

Academic Year 08-09
COURSE LISTING
(Alphabetical)
Revised: 4/11;7/28/08

Juris Doctor Degree Requirements:¹ *First Year* - By the beginning of your second year you should have taken and received a passing grade in: Contracts, Torts, Civil Procedure, Property, Constitutional Law, Article 2 Sales, Legal Skills I & II and a “perspective” course (i.e., Fundamentals of Law Practice, Fundamentals of Intellectual Property, Legal Philosophy or Public International Law).

Second and Third Year - During your second or third year J.D. students must take Criminal Procedure I, Administrative Process, Professional Responsibility, an Upper Level Writing course and an Upper Level Professional Skills Development course. While you may take the required courses in your third year, one or all of these courses may be requirements for other courses and you should try to schedule them as soon as possible. All of the required courses will be offered at least once each semester. In addition, the Administrative Law & Advocacy Clinic will be offered each semester and during the Summer (SU). This limited enrollment clinic (8 students) fulfills the Administrative Process requirement.

Upper Level Writing Requirement – All students are required to fulfill an upper level writing requirement. Courses, seminars and activities that fulfill this requirement for the 2008 -2009 year are listed on the Registrar’s web page.

Upper Level Skills Requirement – Students of the 2010 graduating class and later are also required to fulfill an upper level skills component. A list of courses fulfilling this requirement is also located on the Registrar’s web page.

Other Degree Requirements – The Pierce Law faculty requires successful completion of 85 credits toward the J.D., including the required courses. In addition, the faculty’s residency rules require you to enroll in 6 regular (FA and SP) semesters for at least 12 credits each semester and receive passing grades in at least 10 credits each semester.

¹ This is a summary of the requirements for the J.D. only. If you are working toward a joint degree, consult the Graduate Programs Office for additional requirements. If you are, or come, under the jurisdiction of the Academic Standing Committee additional, or different, requirements may be set for the completion of your degree.

ADMINISTRATIVE LAW & ADVOCACY CLINIC

Professor Mary Pilkington-Casey

4 Credits (2 Class 2 Clinic)

FA/SP/SU

Fulfills the Administrative Process requirement.

- Enrollment: **Required J.D. course.** Limited to 8 students. Students will be selected by lottery if necessary with preference given to third year students.
- Prerequisites: None
- Grading: Grades for the class section of the course will be based class participation and written work. Grades for the Clinic section will be based upon the student's development of interviewing, research, writing, case analysis and advocacy skills.

Students will learn the basics of practicing law by handling administrative cases for clients that include hearings before state agencies such as the Department of Employment Security and the Department of Health and Human Services. Students will handle all aspects of the cases. Students will interview, counsel, investigate, research applicable statutes, policies and procedures, strategize, and provide oral and written advocacy on behalf of clients. As in the practice of law, the volume and intensity of the work varies. Classes will meet once a week for two hours. Class time is used to discuss materials in the text, US Supreme Court cases, clinic cases and to "moot" cases prior to hearings.

ADMINISTRATIVE PROCESS

Visiting Professor Brenda Reddix-Small

3 Credits

FA

Fulfills the Administrative Process requirement.

- Eligibility: **Required J.D. course.** Fulfills the administrative process requirement for JD students.
- Prerequisites: None
- Grading: Final examination, observation paper, and class participation via presentation and in class exercises. ***No S/U grading option.***

This course provides an overview of the structure of government and the practice of administrative law. Every day the federal government publishes the Federal Register replete with agency rulemaking and orders. The decisions of such agencies typically carry the force and effect of law, making administrative law crucial to the day-to-day activities of many and an important area for lawyers to understand in order to effectively be engaged in their communities and represent their clients. The course will consider the structure of government; the power, and limitations on power, of agencies; and the agency decision-making process. Wherever possible, education-oriented cases provide course readings and materials. In addition to class, the course will involve observation of administrative agencies at work and guest lectures.

ADMINISTRATIVE PROCESS

Professor Thomas Field

3 Credits

SP

Fulfills the Administrative Process requirement.

- Eligibility: **Required J.D. course.** Fulfills the administrative process requirement for JD students. Limited to 70 students.
- Prerequisite(s): Familiarity with the basic structure of U.S. government.
- Grading: Based primarily on a final examination. Quizzes, and possibly a short paper, will comprise 30-40% of the grade. ***No S/U grading option.***

Objective: To satisfy the critical need for lawyers to understand generally why we have government agencies; what agencies do; and how they are controlled externally. Besides satisfying that requirement, the course treats most IP-related administrative law cases; credit may therefore be applied toward the M.I.P. or LL.M. The timing and scope of judicial review is a major topic, but we consider alternatives for getting what your clients need. In pursuing those objectives, boundaries of legislative, executive and judicial powers, legislative-type versus judicial-type rule making, the process importance of differences between normative and factual issues, and a host of other fundamental concerns are addressed. Federal process is emphasized, but important differences between that and state law are flagged.

ADVANCED APPELLATE ADVOCACY
Fulfills the Upper Level Writing Requirement.

2 Credits
FA

Adjunct Professors Michael Brown,

Eligibility: Open to second and third year students. Limited to 12 students.
Prerequisite(s): Legal Skills I & II. *This course is required for those participating in external Moot Court competitions. This course can be taken as a classroom component to the Appellate Defender Clinic.*
Grading: Graded on oral arguments, class participation and written assignments.
No S/U grading option

Course Outcome Objectives: learn the theory and principles behind appellate litigation; develop complex analysis, research, writing and editing skills in preparing appellate briefs; and develop more sophisticated oral argument skills. Course Content and Methodology: This course builds upon Legal Skills II to examine the appellate process at a more advanced level. Students will examine the basic principles behind appellate litigation to enhance their study of law in general, and will be trained to become skilled appellate advocates. During the semester, students will be expected to be outlining, writing, revising and editing on a weekly basis. This course generally meets once a week for 2 hours. At several times during a semester, while students are working on writing projects, class time may be used to research and write, meet individually with the professor or work on collaborative projects. During regularly scheduled class times, students will learn about the principles of the appellate process, and advanced techniques of persuasion and writing.

ADVANCED CRIMINAL PRACTICE CLINIC
Professor Charles Temple

3 Credits (Clinic)
FA/SP/SU

Eligibility: Open to second and third year students. Limited to 10 students.
Students selected by professor. See introduction.
Prerequisite(s): One semester of Criminal Practice Clinic, Professional Responsibility, Criminal Procedure, Evidence, Trial Advocacy and Criminal Law
Grading: Classroom and clinical work. ***No S/U grading option.***

Students handle a more complicated case load mix and special projects, such as bail reform advocacy, reduced custody program advocacy, and legislative or regulatory reform. With more frequent instructor-student interaction but no classroom component, students apply their advocacy and law practice management skills on a more autonomous level, and on issues with potentially broad system impact. Students will be required to draw upon various aspects of their legal education to analyze, problem-solve and advocate. Each student must sign up for a minimum of 9 hours in the clinic each week. This is not intended as an upper limit on a student's work time; rather, it is a definite framework during which a student is expected to be available for

client meetings, substantive case work, consulting with opposing counsel, meeting with the professor, etc. Students will find it necessary to arrange additional time for visiting incarcerated clients, court appearances, investigative work, etc. The clinic has its own library of substantive and procedural texts, treaties, and informational binders relating to criminal practice. Each student will have access to the New Hampshire Public Defender Courtroom Handbook.

ADVANCED LEGAL RESEARCH

2 Credits

Professor Barry Shanks

SP

Eligibility: Open to all except first year students. Limited to 16 students.
Prerequisite(s): None
Grading: Students are required to produce a research pathfinder in a subject area of their choice as the major research project. In addition, in-class presentations and a collection development project constitute the required work products for the course.

Advanced Legal Research is designed for students who want to explore print and on-line research sources in more depth and to fine-tune their skills as cost-effective legal researchers. While there will be some review of basic research tools, the purpose of the course is to examine areas of research not covered in the introductory Legal Research course such as administrative research, legislative histories, international research sources, and materials designed for the practitioner. The course is designed to assist students in moving away from reliance on Lexis and Westlaw. Print sources will be evaluated and compared with online sources such as subscription databases and the free web. The format of the class consists of a combination of discussions, demonstrations, guest speakers and student presentations.

ADVANCED LICENSING INSTITUTE

2 Credits

Professor J. Jeffrey Hawley

SP

Eligibility: Open to all except first year students.
Prerequisite(s): Technology Licensing
Grading: Final Examination. ***Mandatory Satisfactory/Unsatisfactory grading.***

Intensive, four-day seminar exploring the negotiation and implementation of a wide variety of business arrangements involving patents, trade secrets, trademarks, and copyrights. Illustrative examples will be drawn from actual licensing situations. Presenters include prominent US and foreign intellectual property licensing professionals who will discuss timely, real world topics and share keen insights into the basic organization and subtle details of licensing and technology transfer practice across a diverse spectrum of businesses. The Institute, directed by Professor Hawley, awards two credits for student attendees and CLE credits for licensing practitioners.

ADVANCED TRIAL ADVOCACY

3 Credits

Adjunct Professors Jacqueline Colburn & David Ruoff

SP

Eligibility: Limited to 12 students chosen through a selection process.
Prerequisite(s): Evidence and Trial Advocacy.
Grading: Trial preparation.

Through this course, students compete in one of two national trial advocacy competitions during the late winter, during which students intensively prepare and conduct a trial. One regional competition is held in mid-February and the other in late February. National finals (if a team

advances) are held one month later. Students receive the competition problem in December, and normally return from winter break one week early to begin the intensive case analysis, brainstorming and courtroom advocacy practice necessary to prepare and conduct a jury trial in a short time period. Numerous practice rounds are held, with students arguing before a variety of visiting judges. The regional competitions are held before actual judges and lawyers, with Pierce Law teams competing against trial teams from law schools throughout New England.

ADVERTISING LAW

3 Credits

Professor Susan Richey

SP

Eligibility: Open to all except first year students.
Prerequisite(s): None
Grading: See syllabus

This course will examine the fundamental legal principles governing advertising claims and practices and the various fora in which the principles are applied. In recent years, advertising has expanded beyond the traditional media subject to regulation-television, radio, print publications, billboards, direct mail, and telephone-and now includes a variety of new media, most notably, the internet. This course will pay particular attention to new law that has developed specifically to address issues raised by the new media through which advertising is offered.

AGRICULTURAL AND FOOD LAW TOPICS

2 Credits

Professor Margaret Sova McCabe

SP

Eligibility: Open to all except first year students.
Prerequisite(s): None
Grading: Class participation and significant research and writing project.

This is an interdisciplinary course focusing on agriculture and food law, an area where many important core legal concepts intersect in our society. Students will survey four areas of agriculture and food law: 1) food libel laws which restrict certain speech about food (made famous by Texas cattlemen suing Oprah Winfrey for disparaging beef; 2) use of genetically modified organisms (GMOs) in farming and food production, including study of organic agriculture; 3) food supply safety including review of regulation of production by the US Department of Agriculture; and 4) obesity class action lawsuits including recent efforts to sue fast food manufacturers and diet gurus. The course draws on property, contract, and tort law as well as important principals of international, administrative, and constitutional law. This course seeks to teach students to use the law they have learned thus far to problem solve pressing societal issues involving food production, supply, and marketing. Course materials will be drawn from actual case pleadings, decisions, regulatory testimony and scholarly articles. This is a great course for students interested in learning more about enforcement of intellectual property rights in the biotechnology field, statutory protection of economic markets, and the use of class action suits to force society change.

ANNUAL SURVEY OF NH LAW

3 Credits

Adjunct Professor David Rothstein

Check Schedule

Fulfills the Upper Level Writing Requirement.

Eligibility: Second and third year students who are selected by the professor.
Prerequisite(s): Legal Skills I and II
Grading: Completion of article.

In this course, students research, prepare and write a scholarly article to be published in the Annual Survey issue of the NH Bar Journal, consisting of six or more articles. The Bar Journal circulates to every member of the NH Bar and Judiciary. Each article will focus principally on a recent opinion of the New Hampshire Supreme Court and discuss the opinion in a scholarly manner, e.g., by tracing the cases leading up to the decision, by discussing the impact or significance of the decision, and by comparing it to similar cases in other jurisdictions. In addition to selecting articles for publication, the editors of the Bar Journal will formally acknowledge the best of the articles with an award.

ANTITRUST LAW
Professor Bill Murphy

3 Credits
SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Final examination, quizzes, class participation.

The antitrust laws of the United States developed in reaction to the abuses, actual and perceived, of uncontrolled private economic power that became politically unacceptable near the end of the nineteenth century. As America changed from an agrarian to an industrial nation, the public and lawmakers became increasingly convinced that some businesses were attempting to acquire monopoly power and excessive profits. To frustrate these attempts, Congress passed laws against certain business behavior and practices. In the ensuing hundred years, antitrust theory evolved and antitrust enforcement has waxed and waned, with controversial effect. As we enter the second century of this legal activity to separate appropriate from pernicious corporate behavior, the cries for renewed vigor in antitrust enforcement are heard from many quarters.

Although antitrust analysis can seem arcane and frustrating, consideration of the antitrust laws is imperative for any business client. This course will explore the operation of the competitive market process, issues that have arisen in the marketplace, passage of the antitrust laws to deal with perceived problems in the market, and how the federal judiciary has construed these laws.

From the text, readings, cases, and classroom discussion you will learn tools and analytical techniques for assessing the antitrust risks of corporate and individual behavior. The primary emphasis will be on individual analysis of assigned cases and readings, although there will also be some group analysis and decision-making.

General Policies: A significant portion of the learning experience in this class will be gained from the quality of the classroom discussion. As a consequence, you are expected to be prepared for class and to participate. In fairness to all students, assignment deadlines will be strictly followed.

APPELLATE DEFENDER PROGRAM
Professors Chris Johnson or David Rothstein

3 Credits (3 Clinical)
See Schedule

Fulfills the Upper Level Writing Requirement.

Eligibility: Open to third year students, and second-semester 2Ls. Limited to 4 students.
Prerequisite(s): Criminal Procedure I and Legal Skills I & II. If the class is overenrolled, students *must* submit a statement of interest and grades received in certain courses.

Grading: ***Satisfactory/Unsatisfactory basis.***

The Appellate Defender Clinic offers students an opportunity to develop their written advocacy skills in an intensive, clinical setting. Over the course of the semester, students will be required to read the records and write appellate briefs in two criminal cases, under the supervision of Appellate Defender attorneys. Early in the semester, each student will receive a trial transcript and notice of appeal, and will begin to prepare the defendant's brief. Throughout the semester, students will participate also in the work of the Appellate Defender in that they will attend a number of moot arguments by Appellate Defender attorneys, and in that they will make editorial and substantive comments on draft briefs written by the attorneys. Approximately mid-semester, students will receive a second transcript, and will begin work on a second defendant's brief. Ordinarily, each student will work with a different attorney on each brief. During the preparation of each brief, written work shall be submitted to the supervising attorney for comments on an almost-weekly basis, and students shall meet with their supervising attorneys as necessary. Over the course of the semester, students shall observe an attorney-client meeting and arguments at the Supreme Court, and shall at the end of the semester deliver a moot court oral argument based on one of the briefs written.

ARTICLE 2 SALES

2 Credits

Visiting Professor Brenda Reddix-Small

SP

Eligibility: **Required first year J.D. course. Open only to 1L students**
Prerequisite(s): None
Grading: TBA

This course provides an introduction to statutory law governing the sale of goods. Our primary focus will be Article 2 of the Uniform Commercial Code, which has been adopted (with minor variations) in all fifty states. However, we will also compare and contrast the U. N. Convention on Contracts for the International Sale of Goods, which governs many international transactions, and we may touch very briefly upon a few other relevant commercial statutes. In this course, we will focus on the specific nature of statutory interpretation, as well as the substance of the law governing sales.

BANKING & FINANCIAL REGULATORY LAW

3 credits

Visiting Professor Keith Fisher

FA

Eligibility: Open to second and third year students.
Prerequisites: None
Grading: Classroom participation, a few short, written problems during the term, and one open-book final examination.

This course will survey the complex regulatory regime governing the operations of commercial banking organizations in the United States. The primary focus will be on federal regulation of banks and bank holding companies. Nevertheless there will also, of necessity, be coverage of federal regulation of other types of depository institutions and holding companies -- such as credit unions, savings associations, and savings and loan holding companies -- as well as of state regulation of depository institutions and their holding companies. Current issues relating to bank mergers, diversification of banking organizations into other forms of financial and commercial activities (including securities and insurance), regulatory responses to specific problems (such as capital adequacy, deposit insurance, limitations on lending authority, predatory lending, antimoney

laundering and anti-terrorism initiatives) will be considered.

BANKRUPTCY

Adjunct Professor Dan Sklar

2 Credits

SP

Eligibility: Open to second and third year students.
Prerequisite(s): None. Business Associations is recommended.
Grading: Final examination, midterm examination, and class participation.

This is a basic course designed to provide all students with a familiarity and working knowledge of the United States Bankruptcy Code and the bankruptcy courts. In general, the course will be divided into three main topics. First, the class will review and discuss the fundamental principles on which the entire Bankruptcy Code is based. Second, there will be a review of consumer bankruptcies, to wit: Chapter 7s and Chapter 13a. Thereafter, the balance of the course will focus on corporate and business reorganizations under Chapter 11. The class utilizes a casebook together with the Bankruptcy Code and the bankruptcy rules. The course involves substantial reading and preparation.

BUSINESS ASSOCIATIONS: The Law of Organizations

Professor William Murphy

Professor John Orcutt

3 Credits

FA

SP

Eligibility: Open to all but first year students.
Prerequisite(s): None
Grading: Final examination and midterm examination.

This is the basic survey course designed to provide all students with a fundamental understanding of the law applicable to organized group activities. Business associations developed to allow individuals to work through the action of others and to permit the accumulation of capital. This required the development of legal principles to deal with the set of relationships that evolved among shareholders, creditors, managers, and workers. Although many law schools approach the subject through various separate legal categories (such as Agency Law or Securities Law), we will try to maintain a more integrated approach as we examine the issues surrounding the formation, the rights and duties and the governance and control of business associations. As a consequence the course will cover the basics of three traditional core subjects: agency, partnership and corporations. In addition, we will spend time developing an understanding of the regulation of securities. The course will also draw upon the insights the student has gained in his or her first-year Contracts, Torts, Civil Procedure, and Property courses. Over the last 20 years there has been an increased scholarly interest in the organization of productive activities, particularly in the economic and business literature. The approach in this course will be to attempt to blend the theoretical with the practical. While we will use the traditional legal case studies and academic articles when appropriate, students will also be required to analyze non-court case problem sets that represent likely scenarios a lawyer would encounter in practice.

BUSINESS ENTITIES TAXATION

Professor Steve Black

3 Credits

SP

Eligibility: Second and third year students only. Limited to 30 students.
Prerequisite(s): Personal Income Taxation.
Grading: Midterm and final examinations.

This course examines the tax consequences of the corporate and partnership life-cycle: formation; operations (making/losing money and transactions between the entity and its owners), and termination. Various tax strategies will be discussed, including deferral of taxes, converting ordinary income to capital gain, and income shifting. Time and student interest permitting, advanced topics such as tiered partnerships and corporate reorganizations may be covered.

BUSINESS PLANNING

3 Credits

Professor Steve Black

FA

Fulfills the Upper Level Writing Requirement.

Eligibility: Open to second and third year students.
Prerequisite(s): Personal Income Tax, Business Entities Tax and Business Associations (or be taking them concurrently)
Grading: Written Assignments

The course is designed to be an “exit” or “pinnacle” course; that is, we will be making use of several broad areas of business law (tax, corporate, IP, labor, securities, antitrust, etc.) as we consider the needs of a hypothetical business client.

Some time will be spent in class discussing substantive law; however, the primary focus will not be on learning the law, but rather on making use of our knowledge of it to plan business transactions.

There will be no exam; instead, students will prepare the documents to put into effect their plans for the client.

CHILDREN AND THE LAW

3 Credits

Professor Mary Pilkington-Casey

FA

Eligibility: Open to second and third year students.
Prerequisites: None.
Grading: Final examination and class participation.

This course provides students with an overview of an array of issues involving children, their parents and society. Topics will include such areas as the history of laws involving children, children in the legal system and parent’s rights towards their children and when the state has right to intervene in that relationship.

Class time will be used for lecture and discussion regarding text materials. The course is designed to cover the law on a national scope. We shall use a basic children and the law text. Classroom attendance and participation are required.

CIVIL PROCEDURE

4 Credits

Professor Jordan Budd

FA

Professor Kate Mangold-Spoto

Eligibility: Open to first year students
Prerequisite(s): None
Grading: Midterm, final examination, and class participation

This course surveys the civil litigation process, beginning with the pretrial phase of litigation: the requirements for complaints and answers, procedures for joining additional parties and claims, the discovery process for gathering information, and pretrial motions (such as motions to dismiss or for summary judgment). The course considers as well some of the procedural aspects of trials: when does a right to trial by jury exist and various motions for judgment made during trial. (Detailed exploration of trial rules and process is available in upper-class courses such as Trial Advocacy and Evidence). Additional topics include the remedies that are available to prevailing parties, the effect of a judgment in one case on litigation involving the same parties and/or facts, and some of the difficult constitutional issues at play in civil litigation (including jurisdiction – i.e., which courts have power over which kinds of cases and over which parties). Throughout the semester, the course emphasizes not only the mechanics of the litigation process but also application of procedural rules to actual and hypothetical disputes, including strategy considerations and lawyers’ ethical and professional responsibilities in the litigation process.

CONFLICTS OF LAW:

JURISDICTION, JUDGMENTS & CHOICE

3 Credits

Professor Marcus Hurn

FA

Eligibility: Open to second and third year students.
 Prerequisite(s): None
 Grading: Final examination. *S/U grading permitted but not recommended.*

This is a body of law that cuts across all substantive subjects. When the courts of more than one jurisdiction are involved in a dispute, or when the parties or their affairs are involved in more than one jurisdiction, it becomes necessary to decide whose rules to apply and whose decisions ought or must be followed. Say an airplane made in Washington, sold to an airline based in Georgia, breaks up over Laguardia Airport, scattering bodies and damaging property on the ground in New York and Connecticut, leaving heirs and victims resident in several states and foreign countries, who all bring different law suits. Whose law of product liability, wrongful death, inheritance, damages, statute of limitations, etc., will be applied, and will the decision in some cases have binding effect in others? Or one state gives a specific performance remedy involving land in another. Or a state tries to prevent the takeover of a local business chartered in Delaware. Or a rich person of ambiguous domicile dies and different states try to tax the estate. Or a N.H. court refuses to defer to a custody order of another state, or of Quebec, because one parent has brought the child here. The traditional core of this subject is a bar exam topic intermittently tested in most states. Further, because it necessarily involves reexamination of jurisdiction, res judicata, and all the basic subjects, it is traditionally considered a good course to tie together the law in preparation for the bar and practice. Most lawyers don't know much about it and are easily intimidated by those who do.

CONSTITUTIONAL LAW

4 Credits

Professor Buzz Scherr
 Professor Jordan Budd

SP

Eligibility: **Required first year JD course.**
 Prerequisite(s): None
 Grading: Midterm and final exam. Class participation is expected.
No S/U grading option.

American constitutional law focuses primarily on three issues: the distribution of power (including the power to decide constitutional questions) among the three branches of the federal

government; the distribution of powers between the federal government and the state governments; and the limitations on governments generally in their dealings with individuals. The growth of constitutional law in the past 30 years makes it difficult to give more than an introduction to each of these areas. In the individual rights area, we are able to cover only equal protection, due process, and a limited introduction to the First Amendment.

CONSUMER AND COMMERCIAL LAW CLINIC 4 Credits (2 Clinical, 2 Class)
Professor Peter Wright FA/SP/SU

Eligibility: Second and third year students only. Enrollment limited to 8 students, priority given to third year students.
Prerequisites: None. Evidence recommended.
Grading: Two grades are given. One is for classroom work, which is based upon participation and written work. The clinical grade is based upon the student's development of interviewing, research, writing, case analysis and advocacy skills

On behalf of clients we prosecute and defend cases involving identity theft, unfair trade practices, small business disputes, predatory lending, auto fraud, bankruptcy, unfair sales practices, debt collection defense, and commercial issues. Students are required to interview clients and witnesses, investigate facts, research applicable state and federal law, write pleadings and briefs, and conduct court proceedings from motion hearings to trials. We appear in District, Superior, Federal and Bankruptcy courts. The clinic is operated as a small law firm to familiarize students with many of the practice management systems used by firms throughout the country, including calendaring, conflicts checking, time and billing, word processing, case management and specialized practice software. We will use clinic cases during class to discuss theories and strategy, to practice direct and cross examination and to learn creative analysis and problem solving for our clients. Before all significant court appearances, students "moot" the anticipated argument or procedure in the clinic courtroom.

CONSUMER LAW & BANKRUPTCY 3 Credits
Professor Peter Wright FA

Eligibility: Open to second and third year students
Prerequisites: None
Grading: Individual written work product including a complaint, jury instructions and written analysis of a bankruptcy problem, plus class participation.

This course will introduce students to major consumer protection doctrines, such as Unfair Trade Practice Acts, Federal Truth in Lending, Fair Debt Collection Practices Acts, Fair Credit Reporting, as well as important procedural devices for enforcing these protections, such as federal and bankruptcy court actions, class actions, arbitration, private rights of action, private attorney general actions, as well as Chapters 7 & 13 of the federal Bankruptcy Code. With the emphasis on federal and state statutes, principles of statutory construction will be covered in some depth. We will also focus on theory building, case analysis and preparation and writing of effective court pleadings.

CONTRACTS – MIP/LLM 3 Credits
Professor Joseph Dickinson FA

Eligibility: **Required course for master degrees.**

Prerequisite(s): None
Grading: Final examination. *No S/U grading option.*

This course is required of all candidates for intellectual property degrees who have not completed a course in American common law contracts for a number of reasons. One very successful student articulated the motivation that fueled her success stating: “I came here to learn how to deal with the barbarian. Common law contracts are its rules.”

By successful completion of the course in Common Law Contracts a student will:

- 1) Know the rules of contracts in the context of both their evolution and their application;
- 2) Have both knowledge of and facility with the vocabulary of contracts. This vocabulary is common and thus essential to the discourse within the subjects making up the specialization in Intellectual Property;
- 3) Have the opportunity to understand and utilize American common law process by which evolving legal doctrine and policy are formulated. Much of the law impacting International Intellectual Property law practice is the product of the common law process and thus an understanding of that law requires an understanding of the process by which that law becomes articulate together with the values inherent in that process;
- 4) Understand the values inherent in the American common law of contracts and the role those values have in the application of the common law of contracts;
- 5) Learn through the method of instruction the skill of case analysis, the value of engaged legal discourse about cases, and the experience necessary to maximize the opportunity of subsequent courses where the skills and experience are presumed to be possessed by the student.

CONTRACTS

Professor John Orcutt

3 Credits

FA

Eligibility: **Required first year JD course.**

Prerequisite(s): None.

Grading: Midterm and final examination. Additional credit will be awarded for above average classroom participation. *No S/U grading option.*

In its simplest form, contract law deals with the world of legally enforceable agreements. The goal of this course is to introduce students to U.S. contract law, focusing primarily on the common law’s approach to contract law. While U.C.C. Article 2 (sale of goods) is an important component of contract law and will be mentioned in the course, it will not be a focus of the course. Rather, Article 2 will be covered in depth in the SP semester U.C.C. course.

This course employs a non-traditional approach to teaching contract law. Rather than using a casebook or employing the Socratic method of teaching, students will learn contract law through the use of the CaseFile Method™. The CaseFile Method™ is an attempt to bring to law school the “case method” approach to learning which has been applied in business schools for decades. For each class, students will be assigned a case file. A case file consists of (1) a memo from a senior partner in a hypothetical law firm with a particular client problem to resolve, (2) a memo from a legal assistant summarizing certain aspects of the relevant law and (3) a few relevant cases and possibly excerpts from relevant contracts treatises (*e.g.*, the Restatement (First), the Restatement (Second) or Williston). With these materials, students will try to act as lawyers and resolve a client's contractual problems. Class time will be used to discuss the files and the

students' resolutions of the problems. A student's role in this class will be analogous to that of a new associate in a law firm. The primary goals from this approach are (a) to allow students to spend time acting as lawyers, so that they may learn lawyering skills (rather than acting as students, which only reinforces student skills) and (b) to have a specific purpose when reading the contracts materials, which hopefully will cause more of the materials and lessons to sink in.

COPYRIGHT LAW

Professor Tom Field

3 Credits

FA

Eligibility: Open to all except first year JD students.
Prerequisite(s): None
Grading: Primarily based on a final examination, with the possibility (based in part on class size) of other components for no more than 30%. ***No S/U grading option.***

This course is intended to introduce the student to fundamental principles of U.S. copyright law, that is: included and excluded subject matter, administrative requirements, rights, remedies, defenses and federalism. Considerable attention will be given to statutory construction and the extent to which courts have contributed and will continue to contribute outside of the statutory scheme.

COPYRIGHT LAW

Professor Mary Wong

3 Credits

SP

Eligibility: Open to all except first year JD students.
Prerequisite(s): None
Grading: Primarily based on a final examination, with the possibility (to be confirmed and based in part on the final class size) of a midterm test or a group or individual written assignment, and class participation/performance. ***No S/U grading option.***

This course is intended to introduce the student to fundamental principles of U.S. copyright law. The legal protection of "creative" content as an intangible property right has been statutorily recognized in the U.S. for over 200 years. While such legal protection is often seen as economically motivated, the law has changed over time, in response to both technological changes as well as international developments. By facilitating an understanding of copyright law in the context of such changes, this course should enable the 21st century legal practitioner to deal with the challenges of the Information Age.

COPYRIGHT LICENSING

Professor Mary Wong

2 Credits

SP

Eligibility: Open to all but first year students.
Prerequisite: US Copyright Law
Grading: Grades will be based on a final exam, class participation and licensing assignments.

This course will treat the licensing of a wide range of copyrighted works, including software, print published works, online works (including websites), databases (copyrightable and not), et al. To the greatest extent possible, we will use the course as a laboratory for the negotiation and

crafting of actual agreements and business arrangements. We will also consider, from a law and policy perspective, the future of copyright in a digital world, including peer-to-peer file-sharing, digital rights management, and related emerging technologies.

CRIMINAL LAW

Professor Keith Harrison
Professor Amy Vorenberg

3 Credits
FA
SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Midterm exam, final exam, and classroom participation. ***No S/U grading option.***

This course focuses on the substantive criminal law. We study the common law and statutory law of crimes, including the elements of criminal offenses and formal defenses. We also examine the basic philosophical positions (retributive and utilitarian) as they inform not only the development of the substantive law, but the recurring policy questions concerning punishment objectives. After a brief study of the principles defining and limiting the criminal law, we enter an intense examination of the concepts of criminal intent and voluntary conduct. We look at the notions of accomplice liability, conspiracy and criminal attempts. We then study the elements of substantive offenses against persons and property. Thereafter, we focus on the formal defenses of self-defense, insanity, intoxication and other justification and excuse defenses.

This course aims to prepare the student for both the practice of criminal law and the bar examination. To accomplish this, we not only drill the black letter law, but also engage in lively dialogue and debate concerning prosecution and defense strategy and tactics. Students will also engage in writing exercises and oral advocacy presentations designed to teach the practice of criminal law. This course will combine academic learning with practical education.

CRIMINAL PRACTICE CLINIC

Professor Charles Temple

5 Credits (3 Clinical, 2 Class)
FA/SP/SU

Eligibility: Second and third year students only. Limited to 10 students; selected by professor.
Prerequisite(s): Professional Responsibility, Criminal Procedure, Criminal Law, Evidence and Trial Advocacy.
Grading: Classroom and clinical work. ***No S/U grading option.***

The Criminal Practice Clinic has three primary objectives. First, to integrate classroom-taught principles into a problem-solving and client-centered approach to providing legal counsel and advocacy. Second, to develop practical skills in the areas of courtroom advocacy, law practice management and the practice of law. Third, to apply the above knowledge and skills in the context of a criminal client's legal needs and within the procedural and social realities of modern trial practice. Each student will achieve these objectives through a combination of reading, lectures, practical exercises, courtroom observations, criminal justice system tours (e.g., prison, jails, lab), mootings and case conferencing of assigned cases, and actual trial practice. Each student will carry a varied case load consisting of juvenile delinquency, misdemeanor, and felony matters. Since there are no formal examinations, course grade is determined by student work throughout the semester, both in classroom and clinical work. Class meets each Wednesday in the courtroom. This time frame may be flexible during the SU session. In addition, each student must sign up for a minimum of 9 hours in the clinic each week. This is not intended as an upper limit

on a student's work time; rather, it is a definite framework during which a student is expected to be available for client meetings, substantive case work, consulting with opposing counsel, meeting with the professor, etc. Students will find it necessary to arrange additional time for visiting incarcerated clients, court appearances, investigative work, etc. The clinic has its own library of substantive and procedural texts, treaties, and informational binders relating to criminal practice. Each student must purchase the FPLC Criminal Practice Clinic Handbook. Students will have access to the New Hampshire Public Defender Courtroom Handbook.

CRIMINAL PROCEDURE I

3 Credits

Professor Charles Temple

FA

Professor Chris Johnson

SP

Eligibility: **Required course for JD students.**

Prerequisite(s): None

Grading: Grading is based on a midterm, final exam and class participation. **No S/U grading option.**

Criminal Procedure I provides an overview of the criminal justice system and covers in-depth the law of arrest, search and seizure, confessions, eyewitness identification and entrapment. The organizing principle is the constitutional constraints on police in the course of their investigation of criminal cases. Students will also engage in writing exercises and oral advocacy presentations designed to teach criminal procedure. This course will combine academic learning with practical education.

CRIMINAL PROCEDURE II

3 Credits

Professor Keith M. Harrison

SP

Eligibility: Open to all but first year students

Prerequisite: Criminal Procedure I

Grading: Final examination.

No S/U grading option. (See syllabus for complete grading details.)

In this course students will examine the Constitutional requirements for a fair criminal trial under the 5th, 6th and 8th Amendments. Topics include the right to counsel, the right to proceed *pro se*, the right to a public jury trial, and rights on appeal.

CYBERCRIME

3 Credits

Adjunct Professor Ronald Weikers

SP

Eligibility: Open to all but first year students

Prerequisite(s): None

Grading: 30% class participation; 15% midterm; 15% in-class presentation; and 40% final examination

As society becomes more dependent upon data and computer networks to operate our businesses, government, national defense and other critical functions, the risks posed by hacking, "malware" and cyberattacks escalate. Although cybercrimes can be analogized to more traditional criminal law violations, the technology that offenders employ is very new, making hackers more elusive and the damage they cause often more widespread. CyberCrime examines the new and traditional laws that govern security of data on networks, especially those that are connected to the Internet.

With good preparation, good class attendance and constructive participation, students will gain the following from CyberCrime: 1) An intermediate level, technical understanding of cyberattacks, networks and the internet; 2) Knowledge of conduct that is prohibited under generally applicable security laws; and 3) An ability to critically evaluate the strengths and weaknesses of security laws and relevant case law. CyberCrime will provide students with a competitive advantage for practicing law in this cutting-edge field.

DEBTOR-CREDITOR RELATIONS

3 Credits

Professor Marcus Hurn

FA

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Final examination. *S/U permitted, but not recommended.*

We will study judicial enforcement of debts (attachment, execution, garnishment, etc.); creation and enforcement of security interests in personal property (U.C.C. Article IX); and bankruptcy. It is fundamental for a general or business practitioner and involves a lot of what might be considered consumer law. Much of the material is on the bar exam in most states.

DISPUTE RESOLUTION

3 Credits

Adjunct Professor Melinda Gehris

FA

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Grades are based on class participation, written assignments, and a final exam. Students are required to complete 2 to 4 hours of observations in DR forums.

The vast majority of legal cases are resolved prior to trial. This course focuses on the other opportunities for resolution and how the student can effectively represent his or her client's interests without going to trial. Coursework includes how to successfully use the different dispute resolution models. Students will learn to negotiate settlements and to deal with the many tactics employed by negotiating parties. They will also gain an understanding of when mediation or arbitration is appropriate and how to effectively represent clients in these processes. Each of the processes discussed will be examined critically and students will consider their strengths and limitations. Students will also consider the legal, ethical and policy issues associated with each process. Classes are divided between lecture, discussion and class exercises.

E-COMMERCE AND THE LAW

2 Credits

Professor Bill Murphy

FA

Eligibility: Open to all but first year students.
Prerequisite(s): None
Grading: Final exam, presentation, and class contribution.

The emerging world of electronic commerce has brought new challenges to traditional areas of the law, as well as creating new issues previously unexplored. At its most fundamental level electronic commerce or e-commerce is the use of electronic information and communication

technologies to facilitate the buying and selling of goods and services. Although technically e-commerce has been around since the invention of the telegraph, then later the telephone and most recently the fax machine; the emergence of computer networks has propelled e-commerce to the forefront of modern business practice. The term e-commerce encompasses a variety of business activities in the information age economy, ranging from merely using the computer as a communication device between buyer and seller, to the electronic delivery of product, and even to the creation of new types of products and services. This increasing interest in electronic commerce has brought pressure on some areas of the law.

Worried clients seek advice of counsel to help them navigate the uncharted sea. With a paucity of case law, and a rapidly changing technology that constantly transforms the business landscape, providing advice that has the desired degree of certainty can be difficult. This course will explore the emerging (and sometimes conflicting and uncertain) body of case and statutory law as it applies to the use of new information technologies in a commercial context. We will cover electronic transactions, liability concerns, procedural issues (such as jurisdiction, and proof and evidence), and regulation (including taxation).

EDUCATION LAW

Professor Sarah Redfield

3 Credits

FA

Eligibility: Open to all but first year students.
Prerequisite(s): None
Grading: Assignments and class participation.

Education is seriously influenced by the Constitution, by judicial opinion and by both state and federal statutes. This course is a basic survey course in law as it relates to schools. It surveys relevant constitutional principles, legislation, agency regulation and judicial decisions, which have shaped the direction of public education. The topics covered include compulsory education, curriculum and academic freedom, students' rights, teachers' rights, Title IX and VII (prohibiting discrimination), special education and accommodation. The goal of the course is to provide students with the background and tools necessary to understand the context and nature of a legal question in this subject area and to identify a methodology to find the answer. Course methodology includes case analysis, role play, and problem solving.

EMPLOYMENT LAW

Professor Kimberly Kirkland

3 Credits

SP

Eligibility: Open to second- and third-year students.
Prerequisite(s): None
Grading: 50% class participation and performance on in class simulations; 50% final examination. *No S/U grading option.*

Using the Case File method used in business schools, this course hones students' legal analysis skills in the context of an array of employment law problems. For each class students will read a case file that includes a memo from a senior attorney presenting a client with an employment problem and a number of relevant cases and statutes. During class discussion students will be required to analyze the relevant law in the context of the client's problem. Students analyze problems concerning employment contracts, wrongful termination claims, employees' rights to privacy, defamation in employment, and a variety of employment discrimination claims.

ENVIRONMENTAL LAW

Adjunct Professor Daniel Crean

2 Credits

SP

Eligibility: Open to second and third year students
Prerequisite: Satisfactory completion of Administrative Process strongly recommended
Grading: Short Paper or Midterm Exam, Final Exam, and Class Participation

The dramatic rise of environmental regulation since the early 1970s substantially affects business, government, and private individuals, and impacts an array of interests, concerns and other areas of law. This course seeks to provide students with an introductory level understanding of common law property and tort principles and state and federal regulatory roles by examining laws selected from the assortment of current statutes such as NEPA, CERCLA, RCRA, and the Clean Air and Water Acts, along with New Hampshire wetlands protection laws. The course is a fundamental base from which students may develop and pursue in-depth interests in environmental law issues. Administrative law is recommended as a prerequisite to this course.

ESSENTIAL BUSINESS CONCEPTS FOR LAWYERS

2 Credits

Adjunct Professor Eric Norman

SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Problem sets and mini-exams 90%; Class contribution 10%

One of the primary problems facing many lawyers servicing business clients today is a lack of understanding of essential business concepts. To further complicate matters, over the last decade business practice has changed significantly. A new arsenal of analytical tools and techniques is now used by business clients in addition to the traditional ones.

This course is designed to introduce the various accounting, financial, marketing, decision analysis and strategic planning tools and techniques so that the lawyer can be a productive participant in the business decision-making process, rather than remain an ignorant bystander (or worse an ignorant and counterproductive intruder). We will cover the basics of accounting, finance, marketing, decision analysis, project management and strategic planning. In addition we will cover the practical and ethical concerns and dilemmas that are often arise when counseling the business client.

In many ways this course is analogous to the standard Business Law course found in the business school curriculum, and suffers from some of the same problems since it is, by its very nature, an extremely rapid overview of a number of vastly complex subjects. Even though we won't be covering any of the topics in great detail, it is hoped that you will emerge conversant and comfortable with the techniques and terminology. The course should also be of interest to those who plan to become involved in the management of their legal practice, since many of the concepts are equally applicable in this area.

Among the topics covered will be: basic accounting; selection of organizational form; basic finance; how to read financial reports; asset valuation; the marketing process; strategic planning techniques; decision trees and risk analysis; and project management techniques.

ESTATE PLANNING

3 Credits

Adjunct Professor Michael Wood

SP

Eligibility: Open to third year students.
Prerequisite(s): Personal Income Taxation and Wills, Trusts & Estates -contemporaneous enrollment is permitted.
Grading: Final examination and project.

This seminar is intended to focus on the situational application of the principles examined in the Wealth and Tax courses, and on the practical considerations most frequently encountered in estate planning law practice.

ETHICS, MORALS & THE PRACTICE OF LAW SEMINAR 3 Credits
Professor Kimberly Kirkland FA
*Fulfills the Upper Level Writing Requirement or
the Professional Responsibility Requirement (may not fulfill both).*

Eligibility: Open to second and third year students only.
Prerequisite(s): None
Grading: Class participation and performance on written assignments through the course of the semester. *No S/U grading option.*

The goal of this course is to ask what it means to be an ethical lawyer, to practice law and live with integrity. The course challenges students to find their own ethical and moral voices and to make the decisions they will face in the practice of law consciously. Much of the reading for the course is in the form of stories, both fiction and nonfiction. Students will also read legal and non-legal scholarship on ethics and morality. Through these readings, students will explore and evaluate the dominant presumption explore and evaluate the dominant presumption that a lawyer's personal and professional ethics are and must be kept separate.

The course will require students to consider these issues by taking positions and making the kind of judgments lawyers make about what cases to take and what strategies to pursue in the course of representation of their clients. Students will then be asked to reflect on the judgments they have made and explore other approaches. The semester will be spent addressing ethical issues in the way the most frequently arise for lawyers: in complicated, messy, human interactions, where multiple issues arise at once, where there are often no good answers, and where the Rules of Professional Responsibility provide little or no guidance or require conduct many find difficult to follow. Much of the reading for the course is in the form of narratives, i.e. stories, both fiction and nonfiction.

Students will evaluate their ethical constructs and to explore whether these constructs have changed since they entered law school. Students will participate in class discussions and exercises, keep a journal reflecting on the stories and scholarship they read, and write and rewrite a final paper or series of essays, on approved topics of their choice relative to the course.

EVIDENCE 3 Credits
Professor Buzz Scherr FA
Adjunct Professor Behzad Mirhashem SP

Eligibility: Open to second and third year students only.
Prerequisite(s): None. Evidence is a Prerequisite for Trial Advocacy, Expert Witnesses & Scientific Evidence and IP Litigation.
Grading: Examination

This course involves the study of law governing the flow of information into trials, focusing on the Federal Rules of Evidence. The course emphasizes the development of the skill of factual analysis and of methods for analyzing evidentiary problems. It is not a course on the memorization of a body of rules. Rather, the principles underlying the rules and their application are the focus.

EXPERT WITNESS & SCIENTIFIC EVIDENCE

3 Credits

Professor Buzz Scherr

FA

Eligibility: Open to third year JD and LLM students. Limited to 36 students.
Prerequisite(s): Evidence and at least concurrent enrollment in Trial Advocacy. This class is a Prerequisite for IP Litigation.
Grading: Class participation.

This course recognizes that whatever type of lawyering one does (from patent litigation to criminal defense), one must have an ability to manage effectively expert witnesses and scientific evidence. This course functions as an Advanced Evidence and Advanced Trial Advocacy course. It examines the law as to the admissibility of and limitations on expert testimony and on scientific evidence. It requires students to develop a competence in the use of experts during litigation by participation in simulated witness preparation, direct and cross-examination exercises.

EXTERNSHIPS-JD

4, 6 or 11 Clinic Credits

Professor Ellen Musinsky

1 class credit

FA/SP

Eligibility: Second and third year students only.
Prerequisites: Professional Responsibility
Grading: Satisfactory/Unsatisfactory

This program provides law students with an opportunity to work outside of the law school for credit. Students receive credit for working with experienced lawyers in all types of legal settings. Field supervisors must be experienced in the type of practice designated for the externship, and must be committed to regular communication with the extern about their work. The program is described in greater detail in Rule IX of the *Academic Rules and Regulations*. Details about selecting an appropriate externship are described in a booklet entitled "*Selecting an Externship*." Both the Rule and the booklet are available on the school's web site. Students interested in externing should read both the Rule and the booklet.

Students may select either part or full time externships. All externships must be approved by Professor Musinsky. Students interested in enrolling in the program must set up a meeting with her to discuss their learning goals. At the meeting she will review your goals and will try to make suggestions for possible externships. She will also attempt to assist you with finding an externship, though it is not possible to guarantee a position.

The program allows you to look for your own placement, but all placements must have appropriate supervision, which requires experience lawyers, and challenging work designed to help you learn about being a lawyer.

In addition to the work at the externship, students will be expected to write a weekly report, participate in an on-line discussion group, and submit a paper at the end of the semester. Grades for the clinical credits are S/U. Grades for the class credit are O/S/U.

Registration for JD externships:

Students who are planning to do externships should register for the number of credits that they seek for their clinical credits and must enroll for the 1 credit class. In addition to registering, in order to be eligible for the credits, students must meet the requirements detailed in Rule IX of the Academic Rules. In summary, a student must have successfully completed a Professional Responsibility course, be in good academic standing or have the approval of the Academic Standing Committee and have secured an appropriate placement. Professor Musinsky is charged with determining whether a placement is appropriate for the number of credits sought.

In addition students must complete all of the requisite written information. The information varies depending on the externship. All of the required forms are on the web. All students must fill in an application and most will also need to complete the three way agreement. "*Selecting an Externship.*" provides details regarding the written information that students must complete.

The externship program is capped at 40 for FA. It will be capped at 45 in the SP. In the event there are more students seeking externship than can be accommodated, students will be selected on a first to be approved basis. To be approved a student must secure an approved placement and receive notice from Professor Musinsky that the placement is satisfactory for the number of credits sought.

FAMILY LAW

Professor: Mary Pilkington-Casey

3 Credits
SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Mid-term exam 15%, participation 10% and final examination 75% .

This course provides an overview of the law as it relates to modern families, including defining a family, the parties' relationships with each other and their children as well as the consequences of dissolution of the family. The main topics covered will be marriage, divorce, encroachments on family privacy, and rights and obligations of individuals in traditional and nontraditional families.

Family law is in a period of rapid change as the social, political, and economic history in latter part of the 20th. and now in the 21st. century. Participants in various family situations search for legal change to accommodate the rapid change in society. Court decisions, lawyers' arguments and the legal issues themselves all show the impact of societal, political, and economic change in the field of family law practice. The course will explore not only how the law has evolved in recent years, but will explore areas where change is sought and/or is likely.

Class time will be used for lecture and discussion regarding text materials. Experts from outside the school may teach several classes. The course is designed to cover the law on a national scope.

We shall use a basic family law text. Classroom attendance and participation are expected.

FEDERAL COURTS

Professor Jordan Budd

3 Credits
FA

Eligibility: Open to second and third year students
Prerequisite(s): None

Grading: Midterm, final examination and class participation

Federal Courts examines the scope of and limitations on the federal judicial power, focusing on three main themes: (1) the courts' relationship to the other two branches of the federal government, (2) the proper relationship between the federal and state governments, and (3) the mechanisms employed by federal and state courts to enforce rights created by federal constitutional and statutory law. The topics covered include congressional control of federal court jurisdiction, justiciability, Supreme Court review of state court decisions, sovereign immunity and its abrogation, abstention, civil rights lawsuits, judicially created rights of action, and habeas corpus.

FEDERAL TRADEMARK & REGISTRATION PRACTICE 2 Credits
Professor Ashlyn Lembree SP

Eligibility: Open to all but first year students.
Prerequisite(s): Trademark Law
Grading: Examination

The objectives of this course are: to familiarize the student with the vocabulary and practices of federal trademark prosecution; to explore the differences between registration on the Supplemental Register; to introduce the student to the U.S. Trademark Offices, electronic application filing system; to present the student with strategies for responding to formal rejections and substantive rejections of applications; and to outline the procedures and requirements for maintaining a federal trademark registration once it is obtained.

FIRST AMENDMENT 3 Credits
Adjunct Professors John Greabe & Seth Aframe FA

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: See Syllabus

This course will provide an intensive examination of the First Amendment's free speech and religion clauses. The freedom of speech aspect of the course will consider the various theoretical underpinnings for affording protection to expression and will explore how the protections afforded speech vary depending on (1) the kind of speech regulated, (2) the location where the speech occurs and (3) the nature of the regulation at issue. The religion aspect of the course will consider the different doctrinal approaches to enforcing the free exercise clause and explore the limitations on government action imposed by the establishment clause. Students can expect that approximately 60 percent of the course will be devoted to free speech and the remainder to religion. Course readings will include a case book and additional readings provided by the instructors.

FUNDAMENTALS OF INTELLECTUAL PROPERTY 3 Credits
Professor Tom Field FA /SP

Fulfills the first year perspective.

Eligibility: Designed for students with little or no IP background.
Prerequisite(s): None
Grading: 70% final examination and 30% quizzes. *S/U grading option not*

available for first-year students. Other students who have completed any course covering the substance of U.S. copyright, patent or trademark law, however, may receive only S/U grades.

Objectives: To introduce basic substantive requirements and procedures for obtaining, maintaining and enforcing patents, copyrights, trade secrets, trademarks and related subject matters such as rights of publicity and domain names.

Description: Beyond the basics, the course explores underlying policy goals and conflicts internal and external to intellectual property -- for example, the occasional tension between patent and copyright protection, or the tension between free speech and trademark or copyright protection. We also consider matters such as the extent to which IP is "property," the responsibilities of various IP agencies and courts, and the relative powers of state and federal governments to protect IP.

FUNDAMENTALS OF LAW PRACTICE

3 Credits

Professors Mitchell Simon, Charles Temple, Sunny Mulligan and Peter Wright

SP

Fulfills the first year perspective.

Eligibility: Open to first year students.
Prerequisite(s): None
Grading: Grades will be based on class performance and evaluation of written products. *No S/U grading option.*

The role of this three-credit course is to: (1) expose students to the excitement of working with individual clients by emphasizing the people-oriented part of the work; (2) develop crucial lawyering skills, including the use of facts in legal analysis; (3) utilize innovative and active teaching techniques. The course will be team taught by experienced practitioners and will use simulated exercises (one criminal and one civil) to advance the students- writing and analytical capacities and to teach certain practical skills such as client interviewing, negotiation, and motion practice.

GRADUATE PROGRAMS SKILLS I

3 Credits

Professor Will Grimes
Adjunct Professor Martin Jenkins
Professor Ashlyn Lembree

FA/SP

FA

Eligibility: *Required course for all master degrees.*
Prerequisite(s): None
Grading: Three legal writing assignments form the primary basis for the course grade.

Will introduce the basic skills of legal analysis and relate it to how the U.S. legal system is organized, including principles of jurisdiction, basics of the Federal Rules of Civil Procedure, and strategic use of the sources of law. Will teach the sources of intellectual property authority and strategies of legal research.

GRADUATE PROGRAMS LITIGATION ANALYSIS

2 Credits

Professor Will Grimes

FA/SP

Adjunct Professor Martin Jenkins
Professor Ashlyn Lembree

SP
SP

Eligibility: ***Required course for all master degrees.***
Prerequisite(s): Completion of Graduate Programs Skills I
Grading: The development of two related motions including a motion for summary judgment through several assignments and oral argument; the completed motions form the primary basis for the course grade.

Graduate Litigation Analysis continues developing writing skills acquired in Graduate Legal Skills as it introduces students to a more detailed examination of federal litigation. Students will learn about the initiation of litigation in federal court, the discovery process, and motion practice. Students will work on at least two motions including a motion for summary judgment to be argued before a judge at the end of the semester.

HEALTH LAW SURVEY

Adjunct Professor Richard Fradette

2 Credits
FA

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Evaluation is based on: (1) class participation (one-third); (2) oral presentations (one-third); and (3) a final exam (one-third).

In 2000, the Institute of Medicine published a report titled “To Err is Human – Building a Safer Health System.” It documents the fact that more people die in a given year as a result of medical errors than from motor vehicle accidents, breast cancer or AIDS. The national cost of preventable deaths and even more frequent preventable adverse events that cause permanent disabling injury is estimated at between \$17 billion and \$29 billion. With the anticipated increase in consumption of health care services by the post World War II “Baby Boomers”, these figures will likely increase and have a real impact on the national economy. An understanding of the interface between law and medicine is essential to the 21st Century practicing attorney.

The goal of this course is to provide students with an overview of the major legal, ethical and public policy issues presented by the health care delivery system. Specifically, issues addressed will include: Duty to treat, confidentiality, informed consent, fiduciary obligations, medical malpractice, expert witnesses, public health law, health care financing, and medical legal ethics.

Health care is delivered in this country through a complex network of private providers, government programs, and third party payors. It is provided largely through employer benefits. In the recent past, a growing number of individuals are uninsured. This has created an economic burden on the individual and the government. A survey of this “mixed system” to deliver and pay for health care services, affords the student a unique opportunity to synthesize and expand their knowledge of other areas of the law, such as administrative law, constitutional law, tort law and ethics.

IMMIGRATION LAW

3 Credits

Professor Keith M. Harrison

FA

Eligibility: Open to all but first year students.
Prerequisites: Constitutional Law or Administrative Process
Grading: A series of research and writing assignments. *No S/U grading option.*

This course provides a survey of U.S. immigration law and policy. Topics will include: family based immigration, employment and entrepreneurial immigration, political immigration and the treatment of refugees and those seeking asylum. We will also examine the law as it relates to exclusion and deportation. Finally, we will study the meaning and significance of citizenship.

INSURANCE LAW

3 Credits

Adjunct Professor Barbara Richardson

SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Class participation, two outside projects, & final examination

This survey course will cover general insurance law concepts as well as the real world application of these concepts. Students will be expected to complete all external reading and research prior to class so they are prepared to participate in hands on application exercises during class time.

We will be reviewing insurance contracts, state v. federal preemption issues, pending state and federal legislation, insolvency concepts and complex fraud/enforcement concepts.

INTELLECTUAL PROPERTY AMICUS CLINIC/ INDEPENDENT/TEAM STUDY

3 Credits

1 Fall / 2 Spring

Professor Hawley

Eligibility: Limited enrollment. Up to ten students will be selected base on statements of interest, writing skills and breadth of IP background. Early inquiries encouraged.
Prerequisites: Fundamentals of IP or equivalent; completion of moot court is preferred; completion of Patent Law is preferred.
Grading: Graded on an O-S-U basis only. Completion of both semesters qualifies for the upper level writing requirement.

The Clinic will provide students with hands-on training in analytical and persuasive writing as well as immersion in the practical, legal, and policy foundations of the U.S. intellectual property system. The Clinic is also intended to give Pierce Law a respected position in the public debate on current intellectual property issues.

In addition to preparing at least one CAFC or Supreme Court Amicus brief, the 2008-9 clinic will draft a policy statement for the general philosophy of the positions taken in FPLC amicus briefs; will establish a written process for the identification and selection of cases; will establish a written process for obtaining approval to file briefs; and will establish a written processes for the logistics of amicus brief filing in the CAFC and the Supreme Court. Clinic members will be responsible for obtaining appropriate buy-in from appropriate constituencies for the policy statement and processes.

INTELLECTUAL PROPERTY IN THE INFORMATION SOCIETY 3 credits

corporations. The clinic does not handle litigation or patent prosecution for any clients. Students are expected to devote at least six hours per week working in the clinic law office, as well as attending one two hour lecture class each week.

INTELLECTUAL PROPERTY LITIGATION

3 Credits

Professor Buzz Scherr

SP

This class meets prior to the start of the semester.

Eligibility: Open to all but first year students. Limit to 12 students; selected by professor.
Prerequisite(s): Evidence, Trial Advocacy, and Expert Witnesses & Scientific Evidence.
Grading: Paper and class participation.

This course is a capstone course that culminates a progression of litigation-oriented courses begun in the second year. The core of the course will be an intensive five-day course between the first and second semesters, with periodic follow-up seminars throughout the second semester. Most of the course will be taught by IP litigators drawn from around the country. It will focus on the more advanced substantive, persuasion and lawyering skills necessary for one's development as a high-quality litigator in the IP realm.

INTELLECTUAL PROPERTY MANAGEMENT

2 Credits

Professor Karl Jorda

SP

TBA

SU

Eligibility: Open to all but first year students.
Prerequisite(s): None.
Grading: One or more class problems and a final exam.

Topics included are "harvesting" inventions, invention record practice, employer/employee law as it relates to ownership of inventions and proprietary information, employed inventor incentive plans, dealing with inventors and their inventions, lab notebook keeping, various types of patent searches, criteria and procedures for decisions on whether to file patent applications in the U.S. and other countries or keep trade secrets, public disclosure problems, outside inventor problems, secrecy agreements, IP audits and due diligence investigations, etc. This course will also include overviews of Interference and Trademark practices with emphasis on hands-on aspects. This course is intended for the sixth semester as it is designed as both a "capstone" course, building on all of the IP courses taken in the second and third years, and a "bridging" course spanning academic and real life private or corporate practice. As such it is a very practical course on how to get a head start in proactive counseling in intellectual property practice.

INTER PARTES PRACTICE BEFORE THE USPTO

1 Credit Mini Course

Adjunct Professor David Kera

SP

Eligibility: Open to all but first year students.
Prerequisite(s): Basic course in trademark law. Highly desirable - previous or contemporaneous course in civil procedure and evidence.
Grading: Final examination.

Inter partes procedure before the Patent and Trademark Office Trademark Trial and Appeal Board, principally oppositions and cancellation proceedings. Pleadings, discovery, motion

practice, testimony and other evidentiary methods, briefs, and oral arguments. The course will include some writing exercises.

INTERNATIONAL BANKING & FINANCE

3 credits

Visiting Professor Keith Fisher

SP

Eligibility: Open to second and third year students.
Prerequisites: None.
Grading: Classroom participation and one, open-book final examination.

This course surveys the complex regulatory regime that is evolving to govern the operations of private banking organizations in the global marketplace. Banking had its origins in a quintessentially transnational context: the facilitation of commerce between merchants doing business in distant places. The course covers (1) national legal regimes applied to transnational financial transactions and multinational banks, including particularly U.S. regulation of international banking (which comprises both regulation of foreign banks' activities within the United States and regulation of U.S. banking organizations' activities abroad); (2) regional laws that cross national boundaries, *e.g.*, the European Union's Second Banking Directive and other pertinent directives; (3) supranational regulation of banking organizations (*e.g.*, the Bank for International Settlements and the G-10 countries "Basle Accords", international anti-money laundering initiatives, and international anti-terrorism initiatives under the auspices of the United Nations, the OECD, and other multilateral arrangements) as well as the impact of U.S. and international economic sanctions; and (4) international public finance, including consideration of international organizations such as The World Bank and the International Monetary Fund.

INTERNATIONAL BUSINESS TRANSACTIONS

2 Credit Mini Course

Adjunct Professor Raymond J. Friel

FA

Eligibility: All but first year JD students
Pre-requisites: None
Grading: Final Exam

International business transactions are now regulated and influenced by a variety of institutions, including the United Nations, the World Trade Organization, the European Union and the North American Free Trade Agreement, and it is in this environment which private entities must operate. This course aims to introduce students to the legal regulation of private business transactions in a global setting.

In particular, the course covers the negotiation of international business transactions through international contracts for sale of goods, including e-commerce transactions, and the use of letters of credit, international finance and the electronic transfer of funds to fund these transactions.

The course also deals with the control and regulation of imports and exports from a U.S. perspective, including US export/import controls and issues that arise from exporting to major US trading partners such as the EU. International business transactions must also be viewed in context and the course examines the regulation of these transactions in the light of various laws, including dealing with state trading entities and state subsidies, together with antitrust and antidumping legislation.

Further, the course will briefly look at issues regarding overseas investment, including the risk of foreign expropriation of investment assets. Finally, the course concludes with a review of international business litigation and commercial dispute resolution options available in international business transactions, including a documentary analysis.

Ethical issues, in particular the role of corruption and bribery in international transactions and national security issues arising from foreign policy and anti-terrorism provisions, will also be integrated into the course.

The course will be taught through a mixture of lectures and case based analysis. The aim is to demonstrate the application of legal principles through the use of worked examples on real life current issues in international business transactions which corporate or commercial lawyers are most likely to encounter. All materials necessary for the course will be supplied on commencement.

INTERNATIONAL & COMPARATIVE COPYRIGHT LAW 2 Credit Mini course
Adjunct Professor Silke von Lewinski SP

Eligibility: Open to all but first year students.
Prerequisite(s): Some understanding of basic copyright law is desirable.
Grading: Examination

This mini-course will cover the principal international conventions, namely, Universal Copyright, Berne, Rome, and Geneva, WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty, including current problems in the international *copyright* arena in light of recent tendencies toward greater reciprocity and the emergence of new kinds of works (computer programs, data bases, multi-media works, etc.) and new rights, (digital transmission right, etc.) involving, in particular, problems due to new technologies. It will also deal with WTO/Trips, NAFTA, bilateral treaties and unilateral measures as a new mechanism in international copyright relations. The last part of the course will cover copyright within the European Union (EU) including European Court of Justice jurisprudence and EU harmonization measures. Comparative copyright law in terms of principles, methods and problems as well as the differences between the system of copyright and the system of *droit dauteur* will also be covered.

INTERNATIONAL & COMPARATIVE PATENT LAW 2 Credit Mini Course
Adjunct Professor Dr. Philip Grubb FA/SU

Eligibility: Open to all but first year students.
Prerequisite(s): Some understanding of basic patent law is desirable.
Grading: Examination

This course has two components: international as well as a comparative patent law. Firstly, this course introduces the patent provisions of the Paris Convention, the Patent Cooperation Treaty, the patent part of NAFTA and the TRIPS Agreement of GATT/WTO, as well as the European Patent Convention. Secondly, this course will cover comparative patent law based more on functional than on country-by-country aspects. Nonetheless, important elements of and differences between the American, Japanese and European patent laws will be highlighted.

INTERNATIONAL & COMPARATIVE TRADEMARK LAW 2 Credits
Adjunct Professor Gerd Kunze SU

Eligibility: Open to all but first year students.
Prerequisite(s): No prerequisites, but some understanding of basic trademark law is desirable.
Grading: Examination

Explains the provisions relating to trademarks of the international and regional intellectual property treaties (such as the Paris Conventions, the GATT TRIPS Agreement, OAPI and ARIPO in Africa, NAFTA and the Andean Pact in America, trademark harmonization in Europe) and the 1994 Trademark Law Treaty, and gives a comprehensive introduction to the Madrid System for the international registration of marks and to the Community Trademark System.

INTERNATIONAL HUMAN RIGHTS LAW 3 Credits
Professor Joseph Dickinson FA
Fulfills the Upper Level Writing Requirement

Eligibility: Open to all but first year students.
Prerequisite(s): None.
Grading: Paper

This course is intended to introduce the student to the established and developing international law rules and procedures governing the protection of basic human rights. The thesis of the course materials is that there presently exists a substantial body of substantive and procedural international human rights law with which lawyers, governments and citizens should be familiar.

The course is organized through a number of problems designed to focus the classroom inquiry on the relevant principles, procedures, policies, and potentialities for protecting human rights through the international legal process. The course is intended to concentrate student attention on how the international legal process can be invoked to protect the rights of individuals in concrete cases, national as well as international.

International Technology Transfer Institute (ITTI) 4 Credits (2 Clinic/2 Class)
Patent Landscape Analysis Clinic FA / SP
Assistant Clinical Professor Stan Kowalski
Assistant Professor Jon R. Cavicchi

Eligibility: Open to all except first year JD students. Class limited to six students. Selection based on statements of interest and resumes to assess research capability, writing skills and breadth of patent law background.
Prerequisite(s): Mining Patent Information in the Digital Age or possess solid patent researching skills as developed in prior professional training.
Grading: **No S/U grading option.** Based on a number of factors plus the quality of the final work product.

Objectives and Activities: The ITTI Clinic provides instruction in professional skills related to the various responsibilities which patent lawyers will encounter when preparing patent landscape analysis search reports in the biotechnological fields (predominantly health and agricultural innovations). The ITTI Clinic teaches basic approaches to interviewing and counseling organizations it serves, promoting the skill of preventative lawyering. Research results generated during the course of the semester culminate in a work product that helps clients make informed decisions regarding intellectual property relating to biotechnology, e.g., options as to how it can

be effectively managed, protected and/or licensed, so as to facilitate the mission, goals and strategic objectives of these organizations.

The ITTI Clinic trains and guides students to learn, develop and refine three essential skills:

1. advanced patent searching,
2. data analysis/assembly, and
3. categorization, organization and interpretation of results.

At the operational level, the work flow of the ITTI Clinic proceeds through three phases:

1. the patent research phase,
2. the patent analysis phase, and
3. the report drafting phase (students draft actual patent landscape analysis reports).

The patent research phase, resulting in large amounts of data, develops research/investigation, problem solving, organization and data management skills. The patent analysis and search report phases integrate the tripartite skills set described above and further teaches analysis and categorization of each patent document, presentation of complicated issues for scientist clients not trained in the law, and the skills needed to work as part of an interdisciplinary team in order to address legal and business objectives.

The ITTI Clinic uses the strengths and resources available to Pierce Law including human resources such as Professors Kowalski and Cavicchi, both internationally recognized in this area of practice, as well as external lawyers who desire to consult on a pro bono basis and all of the major patent searching commercial platforms that are provided to Pierce Law for the projects completed by the IP Tools class.

Scheduling and Participation: The ITTI Clinic is a 4 credit course, with 2 hours of class time and 6 hours of structured interaction (comprising research, analysis and writing, under the supervision of Professors Cavicchi and Kowalski) per week. The class meets once per week. Students are required to attend every class.

Each week students volunteer or are assigned tasks to be completed during the next seven day period. During the weekly meetings each member is required to participate in class and report on implementation of the weekly tasks. Students are further required to participate in setting the strategy and assigned tasks for the following seven days. Students are also routinely required to prepare brief presentations summarizing the technologies under analysis, to facilitate searching and also to build the final work product.

The beginning phase of the class involves a detailed analysis of needs of the client (primarily external, public-sector participating organizations such as PIPRA and its networked public sector institutions and NGOs). Questions are then prepared and exchanged via email and/or conference call. When the team understands the technology and the exact nature of the assignment, the patent search phase begins. Students search multiple patent and literature platforms; patent searching utilizes an iterative, redundant strategy. Subsequent classes involve reviewing the research results and refining the search parameters, scope and strategies. When the searching phase is completed, according to mutual agreement, the data analysis phase begins. After the data are analyzed, each student composes a section of the project report. Sections are exchanged, reviewed and the final report/work product is assembled, edited, produced and then sent to the client organization as an educational resource.

Professor Sunny Mulligan

1 Credit

Required course for master degrees.

Eligibility: Required for all graduate students
Prerequisite(s): None
Grading: Grading is based on class participation, periodic short assignments, and court observation paper and presentation.

This course is designed to give students an overview of the American Legal System and to gain a comfort level with vocabulary and dialogue related to the subject. Students will follow a case from the initial client interview up through the court appeal process. Each student is required to do a two hour observation of the Federal District Court in Concord, NH in order to get a better understanding of the Court system.

INTRODUCTION TO COMMERCIAL LAW

3 Credits

Professor Joseph Dickinson

SP

Eligibility: Open to second and third year students
Prerequisite(s): Article 2 Sales
Grading: Examination

This course is open to second and third year students who have successfully completed the course in Article II Sales. It is an introduction to the Uniform Commercial code sections regulating standard commercial practices relating to payment via negotiable instruments (Art.s 3 & 4); documented sales (Art.s 7 & 5); and secured transactions (Art. 9). Course coverage presumes competence with the substance of Article 2 Sales and knowledge of the tools of statutory comprehension acquired through study of Article II. Also, it is coordinated with the course in Debtor/Creditor relations in the hope that students will have the opportunity to be prepared to begin to learn commercial law practice and to have addressed subjects examined by bar examinations with classroom study of the relevant substantive law.

JUDICIAL OPINION DRAFTING

3 Credits

Adjunct Professor Parker Potter

SP

Fulfills the upper level writing requirement

Eligibility: Open to second and third year students. Limited to 12 students.
Prerequisite(s): None
Grading: Papers

This seminar will take a practical approach to the drafting of judicial opinions. While the course has obvious benefits for students who wish to pursue judicial externships and clerkships, it is useful for any student whose future plans call for motion practice of any sort. The idea is that pleadings organized to follow the pattern of a judicial opinion are more easily understood by judges and their staffs than pleadings based upon other models. The course consists of three major opinion-drafting assignments (a procedural motion to dismiss, a substantive motion to dismiss, and one other motion in a different procedural posture) plus a student-directed seminar on judicial writing, focusing on published judicial opinions. As noted, the course takes a more practical than philosophical approach, and is devoted to state court practice. Finally, the course will feature visits from one or more state or federal trial court judges.

LAND USE PLANNING AND REGULATION

3 credits

Adjunct Professor Daniel Crean

FA Offered odd years

Eligibility: Open to second and third year students.
 Prerequisite(s): None
 Grading: A short paper and final exam are required. Class participation will be a significant factor in grading.

This course seeks to provide students with an understanding of the operation of governmentally imposed controls and regulations on land use and development. As most land development controls are administered at the local government level in this county, the course includes a basic overview of local government regulatory powers. The course then reviews land use control fundamentals, including the nature of zoning and nonconforming uses, and analyzes the development of zoning as a land use control. The examination of land use controls also will include master plans, subdivision regulation, site plan review, and innovative zoning techniques. A major component of the course will focus on limitations imposed on governmental land use controls by property rights, the First Amendment, preemption, and takings and inverse condemnation.

LAW & BIOTECHNOLOGY

2 Credits

Adjunct Professor Kristina Grasso

FA

Eligibility: Open to all but first year students.
 Prerequisite(s): None. Intellectual Property Law and Patent Law recommended.
 Grading: Final Exam

The course begins with a review of the scientific milestones which establish the foundation for business activity grounded in biotechnology. This review will lead to an examination of legal issues faced by entities engaged in such business activity – including multinational pharmaceutical companies, as well as biotech companies. These legal issues include intellectual property (with emphasis on patents), company formation, technology transfer from non-profits, financing and federal regulation.

LAW & MENTAL HEALTH

2 Credits

Adjunct Professor Eric Drogin

FA

Meets alternate Mondays

Eligibility: Open to second and third year students.
 Prerequisites: None.
 Grading: Letter grade based upon choice-of-topic paper and class participation.

This two-credit course equips students to manage all phases of legal proceedings in which mental health evidence and testimony are utilized. Students will review theories of law and mental health; assessment, treatment, credentialing, ethics, and practice standards; competency, sanity, and commitment proceedings; mental injury, anti-discrimination, and educational entitlements; delinquency, abuse/neglect, and child custody determinations; and practical aspects of forensic consultation, expert witness retention, and the lawyer's own mental health. Legal, ethical and scientific issues from selected foreign jurisdictions will also be highlighted.

Similar to its prior offerings, this course will be held in an informal seminar format, featuring catered guest lectures with speakers from a range of professional disciplines. The instructor is an attorney and board-certified forensic psychologist. See the TWEN website or mini-course schedule for specific meeting dates and times.

LAW OFFICE MANAGEMENT

3 Credits

Adjunct Professors Arthur Greene

FA

Eligibility: Open to second and third year students. Limited to 24 students.
Prerequisite(s): None.
Grading: Final examination, projects, attendance, and class participation

This course will provide students with a foundation in law practice management. It will acquaint students with information and skills necessary for managing client relationships managing the substantive aspects of their practice, and operating the business aspects of a law office. It will give students necessary background in the various management and administrative functions, procedures and policies that are followed in law firms. With associate training becoming an increasing problem for many law firms, this course is intended to make students more valuable to the firms that hire them, thereby improving their chances for long term success with the firm and within the profession. The course is critical for those students considering setting up an office as a solo practitioner or with other recent graduates. Classes will include lecture, discussion and projects.

LEGAL HISTORY

3 Credits

Professor Chris Johnson

SP

Eligibility: Open to second and third year students. Limited to 15 students.
Prerequisite(s): None.
Grading: Presentation of paper, class participation, and final exam.

The course seeks to introduce students to the roots and sources of our contemporary legal system. Each student will write a paper, on a topic of the student's choosing, and lead a class session in which the student teaches the class about the topic of the student's paper. Over the course of the semester, students will be required to submit drafts of their papers for review. In addition, the material covered in the course will be tested by a written examination. During some semesters, the course focuses specifically on American legal history. In other semesters, the course more broadly covers Anglo-American legal history.

LEGAL MALPRACTICE & RELATED ECONOMIC TORTS

3 credits

Professor Simon

FA

Eligibility: Open to second and third year students.
Prerequisite(s): Professional Responsibility helpful, but not required.
Grading: Final exam and practical skills project.

Over the past two decades, lawyers have experienced radical changes in the practice of law. One substantial change has been the increase in legal malpractice claims brought by clients and the explosion of claims brought against lawyers by nonclients. This course will analyze these emerging tort theories and will assist student once they enter practice to avoid risk and liability.

The course will use the problem method to engage students in discussion of real world problems. Grades will be based on classwork, a written product (either a pleading, client letter, or other practice-based product) and a final exam.

Also, the course will allow students to explore an area of tort law beyond that which they encountered in the first semester—i.e., economic torts. Study of these torts, which involve more than physical or property damage, will help students see the tort world in a more complete light.

LEGAL PHILOSOPHY

3 Credits

Professor Keith M. Harrison

SP

Fulfills the first-year elective requirement.

Eligibility: First year law students.
Prerequisite(s): None
Grading: A series of papers during the semester.

This course is designed to introduce several contemporary modes of legal thought. Exploration and critical evaluation of these differing perspectives on law are pursued in order to foster understanding of the interdependency between legal philosophy and legal decision process, the role law plays in our culture, and the social and philosophical impediments to law's effectiveness.

LEGAL RESPONSES TO TERRORISM

3 Credits

Professor Chris Johnson

Fall

Eligibility: Open to second and third year law students and ICL&J degree candidates.
Prerequisite(s): Crim Pro I, Criminal Law or Public International Law
Recommended
Grading: Presentation, General Class Participation & Exam

The course aims to introduce students to the various and complicated legal issues raised as the U.S. government has sought to confront the challenge of terrorism. In many respects, the law governing responses to terrorism is still at an early stage of its evolution, with many of its basic principles still unresolved. Moreover, the new (or recently-appreciated) nature and extent of the threat posed by terrorism has led to some reconsideration of previously settled issues. Because terrorism has thus raised new issues and subjected old principles to reconsideration, discussions of the law governing responses to terrorism has been politically- and morally-charged. The course, therefore, seeks to integrate political and moral perspectives into the discussion of the law. Students should expect to participate actively in those discussions.

**LEGAL SKILLS I:
ANALYTICAL RESEARCH AND WRITING**

4 Credits

FA

ANALYTICAL RESEARCH PROFESSORS

Professors Judith Gire, Cindy Landau, Barry Shanks and Roberta Woods

ANALYTICAL WRITING PROFESSORS

Professors Alice Briggs, Margaret Sova McCabe, Sarah Redfield, Kathleen Mangold-Spoto,

Sophie Sparrow, Amy Vorenberg and others.

Eligibility: **Required first year JD course.**
Prerequisite(s): None
Grading: Writing and research assignments, professional engagement.

Legal Skills I introduces first-year students to the fundamentals of objective legal analysis, legal research, citation and writing. For research, students will learn the types of legal authorities generated by the American legal system; use basic secondary legal authorities; access and validate primary authority; and cite to legal authorities. Students will practice print and on-line research processes in the library and computer training room, and will focus on cost-effective research. Through written assignments and exercises, students will apply research tools; synthesize cases and extract common doctrine; identify issues and sub-issues; organize issues logically and make analogies between fact patterns in precedents and assigned problems; and practice using clear, concise prose. As a skills course, students are also expected to act as professionals, and are graded on their professional engagement in the course.

LEGAL SKILLS II 3 Credits
SP

Professors Alice Briggs, Margaret Sova McCabe, Kathleen Mangold-Spoto and Amy Vorenberg

Eligibility: **Required first year JD course.**
Prerequisite(s): Successful completion of Legal Skills I
Grading: Writing assignments, oral arguments and professional engagement.

Legal Skills II builds upon and reinforces the fundamentals of Legal Skills I. This second semester introduces students to more complex research, reasoning and writing, including oral and written advocacy. Students will learn basic advocacy skills and develop them within a particular substantive area. Within sections, students will research and argue different topics; as with Legal Skills I, students will also be graded on professional engagement.

**LIMITED LIABILITY COMPANIES:
ADVANCED THEORY AND PRACTICE** 2 Credits
FA
Adjunct Professor James Silva

Eligibility: All but first year students.
Prerequisite(s): Business Associations preferred.
Grading: TBA

Limited liability companies (LLC) have only existed since the late 1980s. But in the last two decades, LLCs have become the main legal structure of choice for many businesses. In particular, most small businesses and “start-ups” are formed as LLCs now because of the unique tax and non-tax benefits.

Because of the prevalence and unique benefits of LLCs, lawyers can no longer responsibly present themselves as capable to handle business formation law unless they possess the knowledge and practice tools to form LLCs.

This two (2) credit course will expand on the theoretical knowledge of LLCs learned in basic level business law classes. Characteristics of LLCs will be extensively detailed. Particular attention will be paid to evolving case law. LLCs are creatures of state statutes; therefore various

LLC acts will be studied. Finally, everyone in this class will draft the various documents (including an operating agreement) needed to form a LLC and engage in various “real life” ethical and business scenarios to obtain practical experience.

LITERATURE AND THE LIFE OF A LAWYER

3 Credits

Professor Will Grimes

FA

Fulfills the Upper Level Writing Requirement

Eligibility: Open to second and third year JD students. Limited to 14 students.
Prerequisite(s): None.
Grading: Grading rests upon a finished writing project and class participation.

The examination of literature (entering into a dialogue about our purposes and our underpinnings) from a practitioner’s standpoint leads us, “slouching” perhaps, towards a more concrete and personal jurisprudence and a more humane practice.

Students taking this course should expect to read fiction, non-fiction and poetry that will enhance their practical reasoning and allow them to look at the logic of those ideas that will bottom their future activity as lawyers. By entering into a dialogue about their purpose as lawyers, now, these students should be able to enhance the meaning of their service to their clients and to their community as well as to themselves.

This course stresses the need for clarity in personal expression as part of an enhanced personal jurisprudence. It uses works of literature as templates for illuminating the means to make communication about the law accessible to others within and outside of our profession. Thus, it gives a broader meaning to the practice of the Socratic method “at the edge of language, the edge of meaning”, where James Boyd White places those who practice law.

LOBBYING & THE LEGISLATIVE PROCESS

2 Credits

Adjunct Professor Robert Dunn

SP

Eligibility: All but first year students.
Prerequisite(s): None
Grading: Paper (worth 45%), mock hearing (worth 45%), and class participation (10%).

This course is designed as a seminar to introduce students to the legislative process and the role of the lawyers in legislative advocacy and policymaking. The course will offer students a fundamental overview of the processes and steps for the enactment of legislation, the manner in which legislative intent and history are important to lawyers and the courts, and the connection between the lawyers, legislation and the creation of public policy.

In addition, students will be directly exposed to lawmaking in action by attending legislative hearings at the NH State House, meeting with state legislators, and interacting with lawyers who advocate before the state legislature.

Through practical exercises, students will develop skills in drafting written testimony and presenting oral testimony to legislative committees, and conducting policy analysis as background for lawmaking. This class is particularly appropriate for students who want to enhance their exposure to lawyering for social justice.

MANAGING KNOWLEDGE ASSETS IN THE UNIVERSITY 2 Credits
Professor Karen Hersey SP

Eligibility: Open to second- and third-year students.
Prerequisites(s): Introductory course in IP or a copyright or patent course.
Grading: Class project, three quizzes and a final exam will be used for grading.
No S/U grading permitted.

Through discovery and authorship, new knowledge emerges every day on university campuses. Using and sharing new knowledge to advance scholarship and improve lives often occurs through the transactional mechanisms of patent and copyright licensing. This course will explore the legal foundations and management techniques used by universities in turning knowledge into intellectual property assets for the benefit of both academic creators and their institutions. Particular attention will be paid to issues and policies governing ownership, the interplay of institutional external funding obligations and faculty rights of academic freedom, the role of agreements between universities and faculty concerning use of faculty-owned educational materials and the effects of recent legislation such as the Digital Millennium Copyright Act, the TEACH Act and the USA Patriot Act on how universities use and manage knowledge assets.

MEDIATION CLINIC 2 Cr Class / 1 Cr Clinic
Adjunct Professor Peter Wolfe

Eligibility: Open to second and third year students. Limited enrollment of 6 with preference given to third year students.
Prerequisite(s): None
Grading: Based on performance in classroom, written paper and development of skills mediating actual classes.

This class introduces the participants to the skills required to serve as mediators of small claims cases in the NH District Court. The classroom portion of the course provides the students with the necessary skills and techniques utilizing classroom instruction, role-playing and demonstrations. The clinical portion of the class is conducted with the students mediating actual small claims cases in the District Court. Mediations are subject to the courts schedule but generally require the commitment of six afternoons. To enable the student to begin mediating cases, students are expected to participate in an intensive training early in the semester, which will include a Friday, 12:30 p.m. to 8:30 p.m. and Saturday 8:30 a.m. to 5:00 p.m..

MERGERS & ACQUISITIONS 3 Credits
Adjunct Professor Drew Ogden SP
Adjunct Professor Scott Pueschel

Eligibility: Open to all but first year students.
Prerequisites: Business Associations (may be taken concurrently). Students who have not satisfied the prerequisite, but have a business-related background, may seek a waiver from the professor.
Grading: Midterm and final examination. Additional credit will be received for above average performance in classroom participation.

This course will introduce students to U.S. mergers & acquisitions (“M&A”) law. This course

will provide students with a fundamental understanding of the legal aspects of corporate M&A transactions. This course will cover the following topics: (a) business considerations for conducting M&A transactions; (b) mechanics of an acquisition; (c) different acquisition methods; (d) acquisition documents; (e) legal duties of the board of directors, senior executives and controlling shareholders; (f) federal securities regulations; (g) basic tax and accounting consequences; and (h) antitrust issues.

A solid understanding of M&A is core to students who wish to practice as business lawyers. The buying and selling of companies is a fundamental concept to almost every business in the world. Students will be pushed to understand both the business and legal concepts involved in M&A transactions.

This course will involve a combination of lectures, group discussions and potentially some negotiation exercises. Students will be expected to read the *Wall Street Journal* or the Business Section of a good newspaper (e.g., the New York Times) on a regular basis as a source for class discussions. Active class participation is a critical component of this course.

MILITARY CRIMINAL LAW

Adjunct Professor Shane R. Stewart

2 Credits

FA

Eligibility: Open to second and third year students.
Prerequisites: None
Grading: Based on final exam.

The course will examine the United States military's criminal laws and justice system. Topics will include: the source, nature and purpose of military law, authority of military commanders, good order and discipline in the armed forces, judge advocates, Uniform Code of Military Justice, Manual for Courts-Martial, military regulations, military investigations, court-martial process, nonjudicial punishment, administrative and other disciplinary actions.

MINING PATENT INFORMATION IN THE DIGITAL AGE

Professor Jon Cavicchi

2 Credits

SU

Eligibility: Open to all students. Limited to 18 students.
Prerequisite(s): None
Grading: **Grading on a S/U basis.**

Introduction to the manual and computerized search and research tools currently available for intellectual property practice in the US and strategies for their effective use.

NATIONAL SECURITY LAW

Professor John Hutson

1 Credit

SP

Eligibility: Second and third year students. Enrollment limited to 16.
Prerequisites(s): None
Grading: Paper 75%; class participation 25%

One of the primary roles of federal government is to provide for the national defense. How the United States and other nations interact in their effort to provide for their own security is critically

important to all of us. This course will explore laws, treaties, customs, and traditions as they relate to national security within and among nations. The focus will be primarily on recent world events but not exclusively and within the proper historical context.

NEGOTIATIONS WORKSHOP

Adjunct Professor Sally O'Brien

2 Credits

SP

Eligibility: Limited to 16 students.
Prerequisites: None
Grading: O/S/U

In this interactive workshop, students will identify and learn different theories and types of negotiations. Negotiating effectively is important in any profession, but it is critical for attorneys to sharpen and hone these skills for the benefit of clients. Negotiations occur at all levels of an attorney's practice, whether that practice is in a small firm environment, in a corporate setting or in a governmental entity. Students will apply their negotiation skills to a variety of situations. Negotiations will occur in two, three and multi-party settings. Class time will be divided between discussion of selected readings, interactive negotiations, and guest attorneys who will discuss some of their own negotiated agreements. Class attendance and participation is mandatory. One book, *Understanding Negotiation*, Melissa L. Nelken, will be required.

NONPROFIT LAW AND MANAGEMENT

Adjunct Professor Connie Lane Boyles

2 Credits

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Students will work on drafting and research assignments for hypothetical clients, class participation and final exam.

Description: A unique sector of the U.S. economy is made up of organizations that are organized for purposes other than profit. The sector has grown in recent years, now accounting for an estimated 6-10% of the economy. For these organizations, profits are secondary to the accomplishment of the organization's mission, whatever that may be. Because of the government's desire to advance these interests, these organizations are afforded special tax treatment and have different means of raising funds and capital than their for-profit counterparts. The need to insure that the organizational resources are devoted to a nonprofit purpose, rather than private benefit, raise unique issues regarding control and management of these organizations and their assets. Traditional law as it applies to taxation thus is modified for this sector of the economy.

Course Objectives: Students develop an appreciation of the size and diversity of the nonprofit sector and the legal framework that governs it. Students are able to form and dissolve a nonprofit organization under state law and know how to obtain tax-exemption for that organization under federal law. Students are able to advise directors of a nonprofit organization about how to properly govern their organization in compliance with the law. Students are able to advise a nonprofit organization about the activities that it may engage in that may either jeopardize its tax-exempt status (such as advocacy campaigns that include lobbying or electioneering) or subject the organization to tax liability (such as revenue generating activities). Students are able to explain the rationales for the special legal treatment of nonprofit organizations and to evaluate current legal issues in light of those rationales.

NONPROFIT TECHNOLOGY TRANSFER

Professor Karen Hersey

3 Credits

FA

- Eligibility: Open to second and third year students. Limited to 25 students.
Prerequisites: Introductory course in intellectual property and/or intellectual property management. For others, some knowledge of US patent and copyright law is expected.
Grading: Quizzes, term paper, attendance & final examination.

The purpose of this course is to equip students with the background necessary to effectively advise nonprofit organizations such as universities on legal, policy and implementation issues, strategies and customary business practices useful in transferring technologies derived from academic research to the commercial marketplace. The course is also useful for individuals who may be working in law firms or businesses that participate in commercializing university technology.

Required Materials: There is no casebook or other recognized legal resource directly on the topic of nonprofit technology transfer. Consequently, students will be required to make extensive use of a course reader as well as outside readings in advance of each class session on the topics to be covered in that class. Cases for discussion will be provided to the students where there is case law that is relevant to each topic. Students will also be required to become familiar with relevant United States statutes and federal regulations dealing with the commercialization of nonprofit intellectual property. A listing of citations for applicable sections of the US Code and Code of Federal Regulations will be provided prior to commencement of the course.

PATENT LAW

Adjunct Professor Jeff Hawley

3 Credits

FA

- Eligibility: Open to all but first year students.
Prerequisites: None
Grading: TBA

This course presents an overview of the policies, history, and practice of United States Patent Law. Students will learn the fundamental patent statutes and how the courts have interpreted those statutes. Students will learn how to apply the fundamentals in both a patent securement (patent prosecution) and a patent enforcement (patent litigation) context. Students will read a hornbook on United States Patent Law and a collection of significant court decisions selected for historical significance or currency. This course proceeds primarily by lecture with classroom discussion and exercise.

PATENT PRACTICE AND PROCEDURE I

Professor Anne McCrackin

3 Credits

FA

- Eligibility: Open to all but first year students.
Prerequisites: No Prerequisites. Patent Law is highly recommended and may be taken concurrently.
Grading: TBA

Students will learn to draft patent claims that are acceptable to the United States Patent and Trademark Office (USPTO) and to the United States courts. Students will become familiar with

the statutes, regulations, practice, and customs that guide the drafting of acceptable patent claims. Students will learn to use the Manual of Patent Examining Procedure and will be introduced to the basics of interacting with the USPTO as a United States patent practitioner. The course format consists of lecture and small section meetings. The entire class meets with Adjunct Professor Kevin Carroll for lecture 1½ hours per week to cover theory and general principles. Students meet in small sections with local practicing patent attorneys 1½ hours per week to practice and review the mechanics of claim drafting. Students weekly draft and turn in claims for review and written criticism by the practicing patent attorneys.

PATENT PRACTICE AND PROCEDURE II

3 Credits

Professor Anne McCrackin

SP

Fulfills the Upper Level Writing Requirement.

Eligibility: Open to all but first year students.
Prerequisites: PPI and Patent Law (may be waived by instructor).
Grading: Students will complete four to six extensive drafting assignments for review and evaluation. The final examination may have a multiple-choice component and ask the student to draft a document appropriate for filing with the USPTO.

Students will build on their basic claim drafting by learning the rules, regulations, customs, and practices for responding to the United States Patent and Trademark Office (USPTO) in prosecuting patent applications. Students will draft two complete patent specifications and associated documents necessary for obtaining a filing date. Students will draft responsive documents addressing USPTO Office actions. Students may also draft additional documents as they follow a case through the USPTO from filing to allowance. The course format is 2 hours per week of traditional lecture and limited discussion to cover theory and general principles plus some optional and some mandatory mentoring sessions in small groups.

PAYMENTS SYSTEMS & ANTI-MONEY LAUNDERING

3 credits

Visiting Professor Keith Fisher

FA

Eligibility: Open to second and third year students.
Prerequisites: None.
Grading: Classroom participation, short problems covering each unit, and one open book final examination.

This course will focus on the comprehensive sets of rules governing how parties effect final settlement for a wide variety of transactions: *i.e.*, the rules pursuant to which most domestic and international commercial dealings are paid for, as well as the legal regimes that have evolved to prevent money laundering. These sets of rules include the law of negotiable instruments, bank deposits and collections, funds transfers, documents of title, and letters of credit. The subject matter will cover several articles of the UCC, various federal statutory regimes (*e.g.*, the Electronic Funds Transfer Act, the Expedited Funds Availability Act, the Truth in Lending Act, the Bank Secrecy Act, the USA PATRIOT Act), and various international law sources (*e.g.*, the Uniform Customs & Practices for Documentary Credits, the UNCITRAL Model Law on International Credit Transfers, and various anti-money laundering regimes, both treaty-based and otherwise).

PERSONAL INCOME TAXATION

3 Credits

Professor Stephen Black

FA

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: Final examination.

This course is an introduction to the federal tax system. The class is designed around the following questions: Who is the proper taxpayer? What items of income or deduction should be allowed? When should those items be taken into account? What is the character of those items (ordinary income or capital gain)?

Tax is statutory law; we will spend a great deal of time honing statutory interpretation skills and using those skills to solve tax problems. The class will also cover basic tax policy (Why is the rule the law? Should rich people pay more?) and tax ethics (What is the attorney's duty in this circumstance?).

PIERCE LAW REVIEW

2 Credits

Professor Jordan Budd

FA/SP

Eligibility: By application in the spring of the preceding year. Applicants must have completed at least one full semester of study.
Prerequisites: None
Grading: **Satisfactory/Unsatisfactory basis.** Based on a combination of a written article and the quality of edits of articles written by others.

The *Pierce Law Review* is a scholarly journal run by Pierce Law Students. PLR produces two double issues each year containing legal scholarship by student editors and by outside authors. Staff members are responsible for reviewing submissions, editing articles, and writing their own "note" of publishable quality. Admission to PLR is by competitive application, usually in the SP of a student's first or second year of law school. Staff members receive two units of credit per semester and satisfy the upper-level writing requirement.

PRE-TRIAL ADVOCACY

4 Credits

Professor John Garvey

FA

Adjunct Professor Arpiar Saunders

Eligibility: Open to all but first-year students, required for Daniel Webster Scholars.
Prerequisite(s): Civil Procedure
Grading: Grades are based on students' performance on a series of written and oral assignments. **No S/U grading option.**

The pretrial phase of litigation, like the trial process, requires a lawyer to exercise many skills not taught in most doctrinal courses. Within the framework of relevant procedural rules, litigators must make strategic and ethical judgments that affect the outcome of their clients' cases. Making these judgments necessarily requires the litigator to take risks, putting his or her thinking on the line. This course provides students with an opportunity to learn and practice these skills and to make sound judgments throughout the litigation process in a mentored setting.

At the beginning of the semester, members of the class will be assigned to one of two law firms representing the parties in a complex civil case. Over the course of the semester, students will do everything a lawyer representing a client would do: evaluate their clients' claims and defenses, decide what legal and factual theories to pursue, interview witnesses, conduct discovery

(including taking lay and expert witness depositions, drafting and responding to requests for admissions, document requests and interrogatories,) draft dispositive motions and objections thereto, prepare for trial and evaluate settlement.

PROFESSIONAL RESPONSIBILITY

3 Credits

Adjunct Professor Russell Hilliard

FA

Professors Kimberly Kirkland & Mitchell Simon

SP

Eligibility: **Required for all J.D. students.**
Prerequisite(s): None. This class is a prerequisite for Externships.
Grading: Final examination, midterm examination, and class participation. **No S/U grading option.**

This course will provide students with the opportunity to learn the law governing professional responsibility and to evaluate the merits of this system of self-regulation. We will examine the relationship of the attorney with his or her client, with the courts, and with society at large. We will also explore whether the ethical rules have properly balanced the sometimes conflicting duties owed to each of the above groups. The primary methodology will be discussion of problems taken from actual cases. Students are expected to participate fully in class discussion and to demonstrate some reflection on the underlying principles and issues.

PROPERTY

4 Credits

Professors Marcus Hurn & Sarah Redfield

SP

Eligibility: Required first-year JD course.
Prerequisite(s): None
Grading: Examination. **No S/U grading option.**

This course will introduce and illustrate the fundamental legal concepts and terms involved in the control of three kinds of property: real estate, chattels, and federally created intellectual property (primarily copyrights and patents). With primary emphasis on real property, we will study the rights and powers of ownership, how they are acquired and conveyed, how ownership can be shared (either simultaneously or over time, including future interests), how use or control can be divided (covenants, easements, servitudes, leases, bailments, and licenses), recording systems and the rights of purchasers or lien holders, and sovereign powers (escheat, eminent domain, police power).

PUBLIC INTERNATIONAL LAW

3 Credits

Professor Bill Hennessey

FA/SP

Fulfills first year perspectives requirement.

Fulfills Upper Level Writing Course when taken in 2nd or 3rd year.

Eligibility: Open to all students (students in the master degree programs must seek permission from the professor). This class fulfills the first year perspectives requirement OR upper-level writing requirement, but not both. This course is required for participation in the Jessup International Law Moot Court Competition.
Prerequisite(s): None

Grading: Research paper (80% of grade, 15 page minimum) and a one-hour short-answer final examination (20%) *No S/U Grading Option*.

An overview of some of the major considerations to be understood as "ground rules" for dialogue between nation states, and between practitioners of law in the United States and counterparts in other countries beyond those encountered in domestic ("municipal") law, including but not limited to what is sometimes termed the "foreign relations law" of the United States, the United Nations system, regional organizations, and "coalitions". Learning the discourse of international law is an important component of the readings and discussion. Much of the course is devoted to the exploring the treatment of international law by U.S. federal and state courts under the Supremacy Clause, and the Separation of Powers doctrine. Statutory and treaty interpretation are emphasized.

NOT COVERED: The law of private international contracts generally adopting the municipal law of some national jurisdiction and technical questions concerning what law applies to a particular private dispute ("choice of law"), covered not in this course but in International Business Transactions, Conflict of Laws, and Transnational Enforcement of Judgments. International Trade and Intellectual Property are covered in the World Trade and World IP course.

REAL ESTATE TRANSACTIONS

2 Credits

Adjunct Professor Eaton W. Tarbell, III

FA

Eligibility: Open to second and third year students.

Prerequisite(s): None

Grading: Based on final exam.

The course will consider legal principles and practice issues involved in real estate transactions. Topics will include: closing and escrow, real estate brokers, contracts for the sale of real estate, remedies, mortgage financing, recording acts, deeds, title insurance, surveys and boundary lines, mortgagor's and mortgagee's rights, and foreclosures.

REMEDIES

3 Credits

Professor Sophie Sparrow

SP

Eligibility: Open to second and third year students.

Prerequisite(s): None.

Grading: Based on professional engagement, skills-based assignments and a final examination.

Within the context of civil litigation what can a lawyer achieve for a client? The client may have many different causes of actions, but will the client get money? An injunction? Punitive damages? Through readings, solving problems, and short writing assignments, students in this course analyze the three major kinds of remedies: damages, injunctions and restitution. Classes will be focused on solving problems through active team-based learning strategies.

SECURITIES REGULATION:

PUBLIC AND PRIVATE SECURITIES MARKETS

4 Credits

Professor John Orcutt

SP

Eligibility: Open to all but first-year students
Prerequisites: Successful completion of, or current enrollment in, Business Associations. Students who have not satisfied the prerequisite, but have a business-related background, may seek a waiver from Professor Orcutt.
Grading: Grades will be based on a final examination and a mid-term examination. Additional credit will be received for above average performance in classroom participation. This class is eligible for the “satisfactory/unsatisfactory” grading option.

This course will introduce students to U.S. securities regulation, with a particular focus on the issues related to the initial issuance and secondary trading of equity securities. This course will take a relatively comprehensive look at this topic and will examine the regulatory environment for both the public and private equity securities markets in the United States. In broad categories, this course will cover: (a) the Securities Act of 1933 and the Securities Exchange Act of 1934; (b) an introduction to capital markets; (c) the basic principles of securities law; (d) Section 5 – public offerings; (e) the exemptions to Section 5 (e.g., private offerings, which are those most frequently conducted by start-up companies); (e) deal mechanics and documentation; (f) disclosure; (g) Sarbanes-Oxley and the broader topic of corporate governance; (h) secondary trading of securities; (i) proxy regulations; (j) tender offers; (k) securities regulation liabilities (e.g., antifraud provisions and insider trading); and (l) state securities regulation.

This course will involve a combination of lectures and group discussions. Students will be expected to read the Wall Street Journal or the Business Section of a good newspaper (e.g., the New York Times) on a regular basis as a source for class discussions. Active class participation is an important component of this course.

SPORTS LAW I:

DISPUTE RESOLUTION IN PROFESSIONAL SPORTS

2 Credits

Adjunct Professor Pete Foley

SP

Eligibility: Open to all but first-year students. Alternate year course.
Prerequisite(s): None
Grading: Final examination, oral presentation and class participation.

This course will examine principles of contract, antitrust and labor law within the context of professional, and to a lesser extent collegiate, athletics. Specifically, the course will focus on the practical application of these legal principles to current and past issues in the sports industry. The course will involve a combination of scintillating lectures and even more scintillating group discussion. The course textbook will be Weiler and Roberts, SPORTS IN LAW (3d Ed.) with optional Statutory/Documentary Supplement.

SPORTS LAW II:

INDIVIDUAL RIGHTS IN COLLEGIATE & OLYMPIC SPORTS

2 Credits

Adjunct Professor Pete Foley

SP

Eligibility: Open to all but first-year students. Alternate year course.
Prerequisite(s): None
Grading: Final examination, oral presentation and class participation..

This course will study and explore some of the numerous individual rights issues raised by intercollegiate and individual international sports. Specifically, the course will take a detailed look at the NCAA and its regulation of the collegiate athlete and, from a comparative perspective, explore how individual rights issues, such as drug testing and eligibility, are handled in Olympic and international sports. The course will involve a combination of scintillating lectures and even more scintillating group discussion. The course textbook will be Weiler and Roberts, *SPORTS IN LAW* (3d Ed.) with optional Statutory/Documentary Supplement.

STREET LAW

Professor Megan DeVorssey

2 Clinic/1Class

SP

Eligibility: Open to second and third year students. Limited enrollment by instructor's permission.
Prerequisite(s): None
Grading: Classroom participation, instructor's evaluation during in-class observations, journal and class outlines, and the final project.

During this class each student will teach a 10 class course on rights and responsibilities under law to New Hampshire High School students. These law student-taught classes will focus on civil, criminal and constitutional themes, providing practical legal information and teaching the underlying concepts of our constitutional democracy. Students teach not only about the law, but also about human rights and democratic values upon which a legal system should be based. Before teaching, students will be trained in effective teaching methods and will participate in peer teaching exercises within the law school classroom setting. The goals of this course are two fold - to effectively teach a law related education course to a lay audience, while at the same time gaining a better understanding of how law is applied, developing trial skills, and improving oral advocacy skills and knowledge of legal procedures and concepts. Students will be required to prepare for each student-taught class by reading lesson plans and any related materials, outlining their class presentation and keeping a journal of preparation and teaching experiences. Student journals and class outlines will be reviewed by the instructor and will make up part of the course grade. A final project - either a reflective paper of 5-7 pages or a "Law for Laypersons" guide (5-7 pages) in specific area of law (e.g. family law, etc.), or an original curriculum for a single Street Law class, will be due during the last week of class.

TECHNOLOGY LICENSING

Professor Karl Jorda

2 Credits

FA/SU

Eligibility: Open to all except first year students.
Prerequisites: None.
Grading: Examination

The emphasis in this course will be on creative, domestic and foreign licensing arrangements, involving licensing patents, trade secrets and trademarks (including franchising), understanding and drafting some of the more important basic clauses, valuation and royalty determinations, actual licensing situations, antitrust and misuse problems, international licensing and negotiation and administration of license agreements. This course will include both licensing your client's intellectual property rights (IPRs) to another and licensing IPRs from another to your client.

A technological background is not a prerequisite, but some knowledge of intellectual property law (patents, trade secrets and trademarks) is necessary for this course.

TECHNOLOGY TRANSFER TAX

3 Credits

Professor Stephen Black

SP

Eligibility: Open to all but first-year students.
 Prerequisite(s): Fundamentals of Intellectual Property and Personal Income Tax
 Grading: To be announced.

This course will cover the intersection of Tax, Exempt Organizations, International Business and Intellectual Property. Students will be exposed to the tax consequences of creation, acquisition, exploitation and transfer of various IP assets by and among public and private institutions and in domestic and international transactions.

TORTS

3 Credits

Professor Mitchell Simon

FA

Eligibility: **Required first year JD course.**
 Prerequisites: None
 Grading: Final examination and midterm examination. *No S/U Grading Option.*

Tort law has been described as an "elusive concept." Put simply, this bastion of the common law seeks to make actionable injuries for which one party is legally at fault.

The course will help students develop a sense of how the law allocates responsibility for injuries and will provide an overview of the major tort doctrines--such as negligence and products liability. We will also, through the leading cases and through skills-based exercises, develop our skills in legal analysis and understanding jurisprudential concerns.

TORTS**3 Credits**

Professor Sophie Sparrow

FA

Eligibility: **Required first year JD course.**
 Prerequisites: None
 Grading: Final examination, professional engagement, assignments during the course. *No S/U Grading Option.*

In this course students will practice analyzing and applying the law of torts to factual scenarios. Students will also be introduced to products liability and intentional torts with most of the course focusing on analyzing negligence claims. Through reading cases, solving problems, and engaging in skills-based exercises, students will practice analyzing, synthesizing, advocating and evaluating problems in torts.

TRADEMARKS & DECEPTIVE PRACTICES

3 Credits

Professor Bill Hennessey

FA

Professor Will Grimes

SP

Eligibility: Open to all but first year students.
 Prerequisite(s): No Prerequisite(s); pre-law training in marketing, business, languages, communication or psychology may be helpful. No scientific or technical background is necessary.
 Grading: Final examination and midterm examination.

This course examines trademark and other state and federal law designed to protect trade identity (commercial goodwill). Additionally, the course will explore the tension between trademark and related rights as intangible commercial property, on the one hand, and as devices to further competition and to prevent consumer deception on the other hand. Finally, the course will address trademark-related issues raised by the Internet.

TRIAL ADVOCACY

3 Credits

Adjunct Professors Eleanor McClellan; James Moir,
Judge Walter Murphy, Emily Rice, and Martha Van Ott

FA/SP

Eligibility: Open to second and third year students. Enrollment limited to 12 students per section.
Prerequisite(s): Completion of or simultaneous enrollment in Evidence.
Grading: Final trial and class exercises.

Sections of this course are taught by judges and experienced trial attorneys. If course is over-enrolled, selection of students will be made by lottery. This course provides a foundation for the development of the variety of skills necessary for effective trial advocacy no matter what the forum. Development of a theory of the case, file organization and pretrial preparation are emphasized, as well as the more traditional oral trial skills such as closing argument and cross-examination. Students regularly participate in exercises simulating segments of civil and criminal trials.

VALUATION OF IP

1 Credit

Adjunct Professor Gordon Smith

SU

Eligibility: Open to all but first year students.
Prerequisite(s): Basic knowledge of MS Excel. Limited Enrollment.
Grading: Papers

An examination of the financial and economic principles that underlie the valuation and exploitation of intellectual property in business.

WILLS, TRUSTS & ESTATES

3 Credits

Adjunct Professor David Burns
Adjunct Professor Elise Salek

FA
SP

Eligibility: Open to second and third year students.
Prerequisite(s): None
Grading: TBA

This course examines the various methods by which wealth is transferred. The law of intestacy, wills, decedents' estates and trusts is examined in depth. The estate, gift and income tax provisions of the Internal Revenue affecting property transfers are covered in limited detail. State law provisions addressing inheritance rights of surviving spouses and children are discussed as well as the law of charitable entities. Drafting techniques for trusts and estates are considered along with basic estate planning considerations.

WORLD TRADE & WORLD IP LAW & INSTITUTIONS

2 Credits

Professor William Hennessey

FA/SP

Eligibility: Open to all but first year JD students.
Prerequisite(s): None.
Grading: Final exam. *No S/U Grading Option.*

This class is an introduction to international trade law. It introduces some of the major international instruments and institutions regulating international trade and intellectual property which a U.S. lawyer engaged in international commerce or a foreign lawyer with U.S. contacts is likely to encounter, primarily the agreements administered by the World Intellectual Property Organization [WIPO] and the World Trade Organization [WTO] as well as bilateral and regional free trade agreements [FTAs]. The vehicle for illustrating the substance and scope of international trade law is international intellectual property law. The course will also introduce U.S. laws and institutions which cover the same subject matter, including the Office of the U.S. Trade Representative. Selections are illustrative and not comprehensive. The broader law of the General Agreement on Tariffs and Trade (GATT 1994), including tariff negotiations, subsidies and dumping, customs classification and valuation, and escape clause proceedings cannot be covered comprehensively in a course this narrow in scope.